

AGENDA

Meeting: Strategic Planning Committee

Place: Council Chamber - County Hall, Bythesea Road, Trowbridge, BA14 8JN

Date: Wednesday 16 August 2023

Time: 10.30 am

Please direct any enquiries on this Agenda to Tara Hunt of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.hunt@wiltshire.gov.uk

Press enquiries to Communications on direct lines 01225 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Howard Greenman (Chairman)
Cllr Tony Trotman (Vice-Chairman)
Cllr Ernie Clark
Cllr Adrian Foster
Cllr Sarah Gibson
Cllr Carole King

Cllr Christopher Newbury
Cllr Pip Ridout
Cllr James Sheppard
Cllr Elizabeth Threlfall
Cllr Robert Yuill

Substitutes:

Cllr Helen Belcher OBE
Cllr Richard Britton
Cllr Steve Bucknell
Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr George Jeans
Cllr Dr Nick Murry
Cllr Andrew Oliver

Cllr Stewart Palmen
Cllr Nic Puntis
Cllr Jonathon Seed
Cllr Bridget Wayman
Cllr Stuart Wheeler
Cllr Graham Wright
Cllr Tamara Reay

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Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 5 - 16*)

To approve and sign as a correct record the minutes of the meeting held on 25 April 2023.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10.20am on the day of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. Representatives of Parish Councils are included separately in the speaking procedure, please contact the officer listed for details.

Members of the public will have had the opportunity to make representations on the planning applications and to contact and lobby their local member and any other members of the planning committee prior to the meeting. Lobbying once the debate has started at the meeting is not permitted, including the circulation of new information, written or photographic which have not been verified by planning officers.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 9 August 2023 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Friday 11 August 2023. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

6 **Planning Appeals and Updates** (*Pages 17 - 18*)

To receive details of completed and pending appeals, and any other updates as appropriate.

Planning Applications

To consider and determine the following planning applications.

7 **20/08618/FUL - Land west of A429 (Crudwell Road), North of Malmesbury, Wilts** (*Pages 19 - 60*)

Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years and a permanent grid connection hub.

8 **PL/2022/09532 - Land at Romsey Road, Whiteparish, Salisbury, Wilts** (*Pages 61 - 84*)

Outline application (all matters reserved except external access) for residential development of up to 25 dwellings with access to Romsey Road, parking, opens space, landscaping and drainage.

9 **Urgent Items**

Any other items of business, which in the opinion of the Chairman, should be taken as a matter of urgency.

Part II

Item during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

None

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 25 APRIL 2023 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr James Sheppard, Cllr Robert Yuill and Cllr Richard Britton (Substitute)

Also Present:

Cllr George Jeans and Cllr Tony Jackson

39 **Apologies**

Apologies were received from Councillor Elizabeth Threlfall, who was substituted by Councillor Richard Britton.

40 **Minutes of the Previous Meeting**

The minutes of the meeting held on 22 March 2023 were presented for consideration.

Subject to the amending of minute 31 to include apologies from Councillor James Sheppard, it was,

Resolved:

To approve and sign as a true and correct record the minutes of the meeting held on 22 March 2023, subject to the amendment of minute 31 to include apologies from Councillor James Sheppard.

41 **Declarations of Interest**

There were no declarations of interest.

42 **Chairman's Announcements**

The Chairman announced that following the meeting there would be a private training session for Members on the 5 year housing land supply.

43 **Public Participation**

The procedures for public participation were detailed and noted.

44 **Planning Appeals and Updates**

The planning appeals update was received as set out in the agenda.

In response to a query it was clarified that the hearing for the Land off Melksham Road, Holt appeal would be held on 13 June 2023.

Members also sought details on the costs for the Westbury Incinerator appeal. Officers explained that information received from the applicant was currently being considered by the legal team, so there was no confirmed figure at present. The applicants had given a total cost figure of approximately £400,000, with an expectation for Wiltshire Council to pay 25% of that cost. Members felt that this was unrealistic.

45 **20/07643/FUL - Land at Janes Oaks Farm, Mere, Warminster, Wilts, BA12 6LH**

Public Participation

Shaun Lyons spoke in objection to the application.

Bill Price spoke in objection to the application.

Quentin Skinner spoke in objection to the application.

Philip Brown (agent) spoke in support of the application.

Councillor Lesley Travers of Mere Town Council spoke in objection to the application.

Lynda King (Senior Planning Officer) presented a report which recommended that planning permission be granted, subject to conditions, for application 20/07643/FUL, Land at Janes Oaks Farm, Mere, Warminster, Wilts, BA12 6LH for the change of use of land to use as a residential caravan site for 4 gypsy families. Laying of hardstanding, access improvements and erection of two amenity buildings.

Key details were stated to include the principle of the development, impact on highways and impact on character, appearance and visual amenity of the locality.

The officer explained that the site was situated approximately 1km south of Mere in the open countryside and was not within the Cranbourne Chase Area of Outstanding Natural Beauty (AONB). The site was previously agricultural land. The application was for a change of use of land, to a residential caravan site with 4 pitches, each comprising of 2 caravans, made up of a static/mobile home and a touring caravan. There would also be 2 amenity buildings on site and a package sewage treatment plant. The access to the site was to be revised to locate it away from a tree with a Tree Protection Order (TPO).

The officer took the Committee through the presentation slides for the application as published in agenda supplement 1. The road approaching the site was relatively narrow and the passing bays would need to be improved, therefore a condition regarding this had been included as part of the

recommendation. The condition of the site, which was overgrown and rather dilapidated, pre-dated the applicants ownership of the site.

The relevant planning policy was explained by the officer, as per the details in the agenda. Particularly relevant was Wiltshire Core Strategy (WCS) Core Policy 47 (CP47).

Work was progressing towards the council's Gypsy and Traveller Development Plan Document (DPD), and to inform this a recent Gypsy and Traveller Accommodation Needs Assessment (GTAA) had been undertaken. The council had not met its requirement to have a 5 year supply of pitches and a need for 79 pitches over the period 2022-2027 had been identified. This was a material consideration.

There had been significant local objection to the proposal, but there had been no objections (subject to conditions) from statutory consultees. The application met with local and national policy and therefore was recommended for approval.

Members of the committee then had the opportunity to ask technical questions of the officer. Clarification was sought around condition 17 and the passing bays. In response the officer explained that the land was all part of the public highway and no third-party land was required. It had been agreed that the passing places could be widened. Regarding the wording of the condition and where it referred to passing/waiting bays and then passing/parking bays, the officer stated that this was the wording provided by the Highways officer. It was not felt that the bays were intended for parking and if Members were minded to approve the application, the officer was happy to amend the wording of that condition to remove reference to parking.

In response to further questions the officer stated that the road was a rural road. A traffic count had been provided which had been assessed by the Highways officer, they did not feel that additional traffic caused by the site would be an issue. Condition 15 covered the number of caravans that could be on site, which was limited to 8, of which no more than 4 could be static caravans. Regarding accessibility in terms of a disabled person, the amenity buildings were single story and could be adapted for disabled access if required, likewise, the mobile homes could have ramps added if required.

Members queried whether there was safe pedestrian access to the site. It was confirmed that there were no pavements on the road to the site. It was likely that the occupants would use cars. This was not an unusual situation and had been accepted in appeal cases.

Members also questioned the shortfall in provision of sites and the slippage of the Gypsy and Traveller DPD, which was years overdue. Officers explained that the intention had been to adopt the Gypsy and Traveller DPD much sooner, but there was a need to align it with the Local Plan review, as there were overlapping issues that could be addressed in parallel. Unfortunately, timelines had slipped, but work on these complex documents was ongoing and the aim

was to work to the published timeline and have the Local Plan and Gypsy and Traveller DPD in place by the end of 2024.

In response to further questions, it was confirmed that comments from Mere and Gillingham Town Councils were included in full in the agenda report; electric vehicle charging points were dealt with under building regulations and there would be a package sewage treatment plant on site.

Members queried the whether the dilapidated state of the site was relevant. The officer explained that this was not usually taken into account when considering planning applications. However, the policies surrounding this specific type of application meant that it was relevant and brownfield or dilapidated greenfield sites were focused on. Members commented that this may need to be considered when the local plan was reviewed so that landowners were not encouraged to leave land to go derelict.

Members of the public then had the opportunity to present their views, as detailed above.

The unitary division member, Councillor George Jeans spoke in objection to the application. The main points raised covered the frequency of buses; that the shortfall of Gypsy and Traveller sites should not guarantee that permission was granted; and the impact of the proposal on the ancient monument at Castle Hill. If it were to be approved additional conditions or informatives were suggested, which included the use of generators on site, the prevention of parking in the passing bays, the removal of permitted development rights, the inclusion of a sign emphasising the vehicle weight limit on site of 3.5 tonnes, and the inclusion of electric vehicle charging points.

In response to public statements the officer stated that the landscape officer had supported the application, which was rare, and the case referenced regarding Castle Hill was for 134 dwellings which were much closer to Castle Hill, this site would be far harder to see. Regarding the proposed conditions the officer felt that inclusion of a sign to limit vehicles on site to 3.5 tonnes seemed excessive, it was already conditioned for and this was not something that was usually included; applicants should be treated consistently. The landscape officer had suggested that fences should be 1.2 metres high, in any case there was a condition covering the fences which stated that details would need to be submitted. It was not felt that getting the site serviced with electricity could be conditioned for, however an informative regarding electric vehicle charging points would be acceptable.

Councillor Tony Trotman opened the debate, stating that he had carefully listened to the presentation, everyone's views and the technical questions. He felt that the site would be adequate for the extended family and therefore proposed a motion to approve planning permission as per the officer recommendation in the agenda, but with the deletion of the word parking from condition 17 (to ensure it was clear the passing bays were for passing and not parking) and the addition of a condition that if generators were used they were housed in buildings to mitigate noise. This was seconded by Councillor James

Sheppard. Councillor Sheppard requested that an additional informative be added to the motion that electric vehicle charging points should be included on site. This was accepted by the proposer as a friendly amendment and therefore became part of the substantive motion.

During debate points raised included that the site would have an adverse impact on the open countryside, that the site could not be considered sustainable, that the site was too far out of Mere with unsafe pedestrian access and that the fact the site was currently derelict was not a reason to give planning permission. Some felt that the application should be deferred pending a site visit. Others felt that as the Council did not currently have an up-to-date Gypsy and Traveller DPD sites had to be provided for Gypsy's and Travellers.

Discussion was had surrounding services to the site, with concerns raised regarding water, power and drainage. The officer explained that it was not usual to condition that a site should be serviced by mains electric, as some people may wish to live off grid. It may be possible to add as an informative. Following further discussion and in a break with protocol, the Chairman requested that the agent provide details and it was confirmed that the site was already connected to mains water and arrangements were underway to connect the site to mains electricity.

During further debate the motion was slightly amended. The final motion put to the vote was that planning permission be granted, as per the officer recommendation, with the removal of the word parking from passing/parking bays in condition 17; the addition of a condition regarding generators on site, in order to limit their noise (the final wording of the condition would be delegated to officers) and the addition of an informative to add electric vehicle charging points. This was put to the vote and it was,

Resolved:

To grant permission, subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

Location Plan, received on 28th September 2020

Site Layout Plan, received on 30th March 2021

Plans and elevations of Proposed Amenity Buildings, received on 28th September 2020

Post and Rail Fence Plan, received on 28th September 2020

Gillingham Road Passing Places Plan, received on 20th February 2023

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

3) No development shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

4) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. All gates and fences shall be rural in appearance. Development shall be carried out in accordance with the approved details prior to the development being occupied.

REASON: In the interests of visual amenity and the character and appearance of the area.

5) No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

a detailed planting specification showing all plant species, which shall not include non-native species, supply and planting sizes and planting densities;

all hard and soft surfacing materials

car parking layout

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/ the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

6) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be

maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features

7) No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The development shall be carried out strictly in accordance with the approved details.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

8) No development shall commence on site until a scheme for the discharge of foul water from the site/phase, including all third party approvals, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the approved details.

REASON: to ensure that the development can be adequately drained without increasing flood risk to others.

9) No development shall commence unless the site has been cleared of all current material, structures, non-roadworthy vehicles and waste, including existing close-boarded fencing, and metal gates. All materials shall be suitably disposed of offsite either at a licenced tip or recycling centre.

REASON: In the interests of the amenities of the residents and to protect the landscape character of the area.

10) No new external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Note 01/21 The Reduction of Obtrusive Light" (ILP, 2021)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be

maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

11) No development shall commence on site until the trees on the site which are protected by a Tree Preservation Order have been enclosed by protective fencing, in accordance with British Standard 5837 (2012): “Trees in Relation to Design, Demolition and Construction - Recommendations”. Before the fence is erected its type and position shall be approved with the Local Planning Authority and after it has been erected, it shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas(s).

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to enable the Local Planning Authority to ensure the protection of trees on the site in the interests of visual amenity.

12) No development shall commence on site until a full ‘No-Dig’ specification for works within the root protection area/canopies of protected and retained trees has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, or the subsequently approved landscaping and means of enclosure plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

14) The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own

or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

15) No more than eight caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than four shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan, received on 30th March 2021.

REASON: In the interests of the appearance of the site and the amenities of the area, and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

16) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site, and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

17) No development shall commence on site until full technical details of passing/waiting bay/widening (in accordance with submitted drawing) to be formed at Gillingham Road have been submitted to, and approved in writing by, the Local Planning Authority. No part of the development shall be occupied or first brought into use until the passing/waiting bay/widening has been provided in accordance with the approved details or an agreed timetable. The passing/waiting bay/ widening shall be kept clear of obstructions and available for the passing of vehicles at all times thereafter.

REASON: To enable vehicles to pass/stand clear of the highway in the interests of highway safety.

18) No part of the development hereby permitted shall be first occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans and has been consolidated and surfaced (not loose stone or gravel). This includes the access to be properly consolidated and surfaced for the first 10m (not loose stone or gravel) and gates open away from highway. If required the ditch shall be piped accordingly. The areas shall be maintained for those purposes at all times thereafter.

REASON: In the interests of highway safety.

19) Notwithstanding the submitted details, the proposed development shall not be occupied until works have been implemented to prevent private water from entering the highway.

REASON: To ensure that the private water does not flow onto the highway.

20) No development shall commence on site until details of the stopping up of the existing vehicle access, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details (including verge and hedge re-instatement) within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

21) Prior to the installation of any generator on the site, details of the noise levels generated by the equipment and any mitigation to ameliorate the sound shall be first submitted to, and agreed in writing by, the LPA, and the development thereby approved shall be carried out in accordance with the agreed noise levels and any consequent mitigation at all times.

REASON: in the interests of the amenity of the area.

Informatives (4)

1) The application involves creation of a new vehicle access and stopping up of the previous access. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.

2) The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a

licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

3) Consultation with the Environment Agency is likely to be required in relation the purposed package treatment plant.

If discharge to a watercourse is purposed, then: Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

4) Provision should be made for electric vehicle charging points in accordance with the requirements of Part S of the Building Regulations.

46 **Urgent Items**

There were no urgent items.

(Duration of meeting: 1.30 - 3.35 pm)

The Officer who has produced these minutes is Tara Hunt of Democratic Services, direct line 01225 718352, e-mail tara.hunt@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk

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**Wiltshire Council
Strategic Planning Committee
16th August 2023**

Planning Appeals Received between 14/04/2023 and 04/08/2023 relating to Decisions made at Strategic Committee*

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
20/00379/OUT	Land South of Trowbridge, Wiltshire	North Bradley/ Southwick	Outline planning permission with all matters reserved except access for the erection of up to 180 residential dwellings (Use Class C3); site servicing; laying out of open space and associated planting; creation of new roads, accesses and paths; installation of services; and drainage infrastructure.	SPC	Inquiry	Approve with Conditions	06/06/2023	Yes
PL/2022/00867	Land West of Hillworth Road / John Rennie Close, Devizes, Wiltshire, SN10 5HD	Devizes	Outline planning application for residential development of up to 59 dwellings together with access and associated works. (mix of units to be determined by Reserved Matters) - All matters reserved except access.	SPC	Hearing	Approve with Conditions	11/05/2023	Yes

Planning Appeals Decided between 14/04/2023 and 04/08/2023 relating to Decisions made at Strategic Committee.

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
PL/2021/04774	Land off Coate Road, Devizes	Bishops Cannings/ Devizes	Residential development (up to 200 dwellings), a local centre of 0.3ha (0.75 acres) (comprising commercial business and service uses (Use Class E), drinking establishment and hot food takeaway (Sui Generis) with a GIA limit of 1,000 sqm of which no more than 725 sqm (GIA) shall be used for retail (Class E(a)). No single retail (Class E(a)) unit shall comprise of more than 325 sqm (GIA)). Associated works, infrastructure, ancillary facilities, open space and landscaping.' Vehicular access from Windsor Drive with the western end of Coate Road re-aligned to form the minor arm of a junction with the site access road.	SPC	Inquiry	Approve with Conditions	Allowed with Conditions	24/05/2023	None
PL/2022/03315	Land off Melksham Road, Holt	Holt	Outline planning application for the erection of up to 90 dwellings, including 40% affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point. All matters reserved except for means of access.	SPC	Hearing	Refuse	Allowed with Conditions	21/07/2023	None

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	16 August 2023
Application Number	20/08618/FUL
Site Address	Land west of A429 (Crudwell Road), North of Malmesbury, Wilts
Proposal	Installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fence, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements for a temporary period of 40 years and a permanent grid connection hub.
Applicant	Five Lanes Solar Ltd
Town/Parish Council	ST PAUL MALMESBURY WITHOUT CP; BROKENBOROUGH CP; CHARLTON CP; HANKERTON CP; MINETY CP
Electoral Division	SHERSTON – Cllr Martin Smith BRINKWORTH – Cllr Elizabeth Threlfall MINETY – Cllr Chuck Berry
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been ‘called in’ for Committee determination by Councillor’s Elizabeth Threlfall and Chuck Berry in view of the public interest, for the sake of transparency and to consider the cumulative effect.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved subject to conditions.

2. Report Summary

The application has been the subject of consultation and publicity, including site notices, press notice, neighbour notification and publication on the Council’s website. Representations received include 8 letters objecting / commenting.

The main issues to be considered are:

- Whether the proposal is acceptable in principle;
- Whether the proposal would result in the loss of best and most versatile agricultural land;
- Whether the proposal would be harmful in terms of its landscape and visual impact;
- Whether the proposal would give rise to an adverse impact on residential amenity;

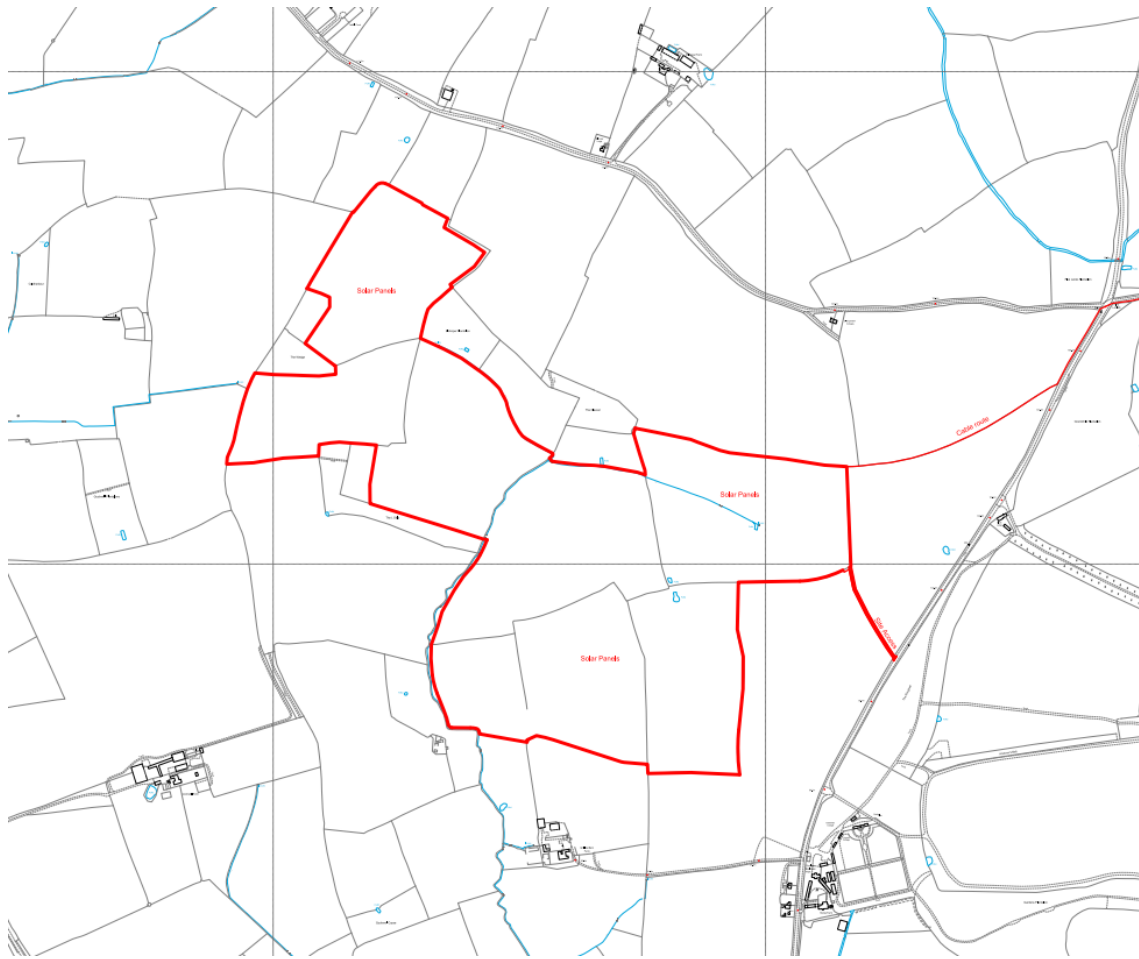
- Whether the proposal would have an adverse impact upon highway safety or public rights of way;
- Whether the proposal would cause harm to protected species and/or their habitats;
- Whether the proposal would cause harm to the historic environment; and
- Whether the proposal would result in any other adverse environmental impacts.

The proposal is 'EIA development', and so the application is accompanied by an Environmental Statement. All necessary information has been provided in the Environmental Statement, which has allowed environmental effects to be fully and properly assessed, as set out in this report.

3. Site Description

The application site is located within open countryside on land to the north of Malmesbury, with the A429 (which forms part of the local freight network for Wilshire) located to the east. Adjoining the site are priority habitats (deciduous woodland) identified as "The Cleaver" and "The L Strip" on the Council's maps; these would remain unaffected by the proposed development. The site is not located within any designated protected landscape; although the Cotswold AONB lies approximately 809 metres away at the nearest point.

The Site extends to 63.29 hectares of agricultural land situated west of the A429 (Crudwell Road) and approximately 2km north of Malmesbury. The site is set within a rural context, across an agricultural landscape. The site is irregular in shape and comprises several distinct agricultural fields with hedgerows making up each of the boundaries between them. Agricultural land lies to the north, east, south and west with intervening screening provided by existing hedgerows and woodlands and the topography of the land.



Solar Farm Site Location – site outlined in red

There are no recognised public rights of way crossing the site. There are identified heritage assets within the general area, including archaeology and Grade II Listed Buildings (Grade II Listed Bishoper Farmhouse approximately 514m to the north-east and the Grade II Listed walled garden at Charlton Park approximately 233m to the south-east of the site).



Route of underground cable connection between proposed Solar Farm Site and DNO compound – site outlined in red



DNO Compound Site Location – site outlined in red

4. Planning History

There is no relevant planning history pertaining to the application site (i.e. no previous applications submitted on the site that are of relevance to the proposal now).

5. The Proposal

The proposal is for the installation of a solar farm comprising ground mounted solar PV panels with a generating capacity of up to 49.9MW, including mounting system, battery storage units, inverters, underground cabling, stock proof fences, CCTV, internal tracks and associated infrastructure, landscaping and environmental enhancements – for a temporary period of 40 years and a permanent grid connection hub. Access to the site is to the east of the farm on to the nearby A429 (Crudwell Road).

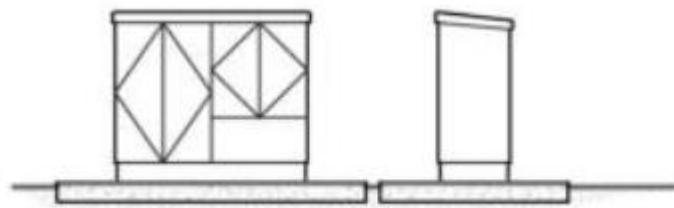
The grid connection point is located approximately 6.1km from the site, northwest of Upper Minety and west of Oaksey Road. It would be connected to the solar farm via a trenched cable beneath the intervening farmland. At the connection site the proposal would provide the necessary infrastructure to allow for the cable from the solar farm to connect to the main grid.



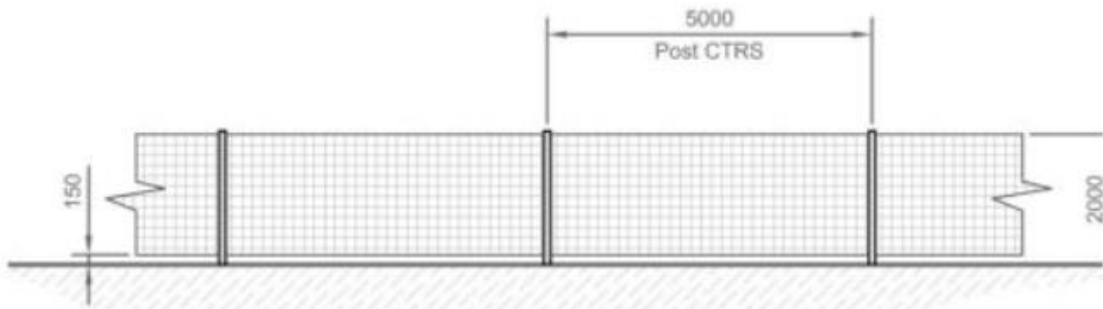
Block Plan – proposed site layout

The proposal includes the following associated infrastructure:

- Inverter cabinets (each 2.5m x 1.0m and 2.3m high)
- 5 battery storage containers (each 6.5m x 3.0m and 2.5m high)
- Stock proof post and wire fencing along the site boundary within the hedgerow with access gates (at approx. 2.0 – 2.1m high) with a 150mm gap at the bottom
- Secured security cameras are generally positioned around the perimeter looking inwards to provide security for the solar panels

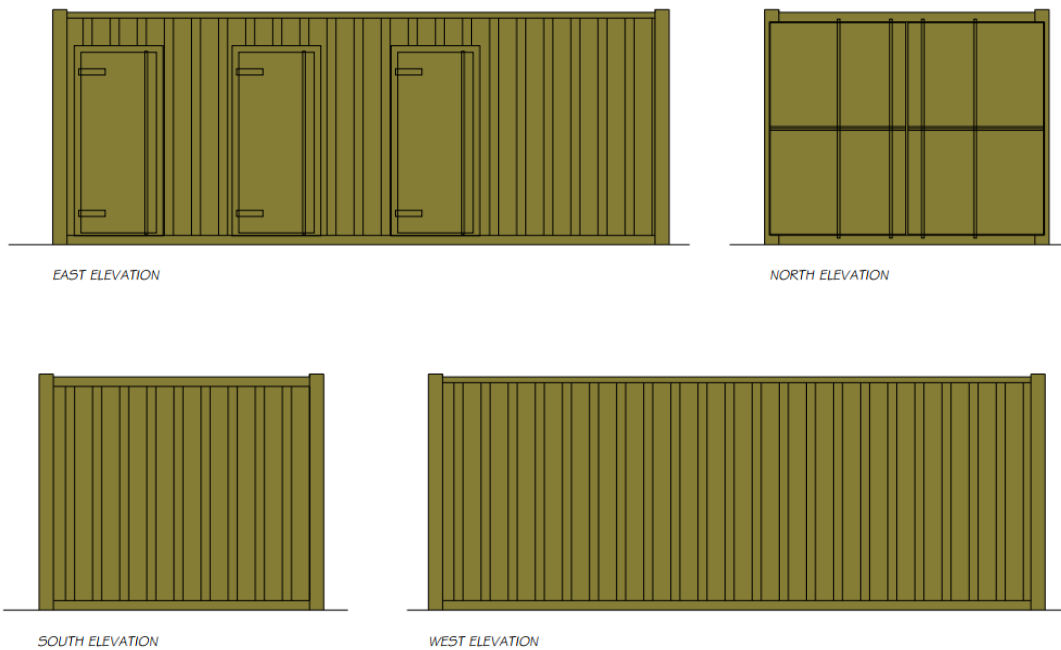


Typical detail of the inverter box



Typical detail of the stock proof fencing

The stock proof fencing will be approximately 2.0 to 2.1m high and raised above ground level by 150mm to allow for the movement of small animals, reptiles and amphibians across the site.



Typical detail of battery storage cabin

The battery storage containers would be located on the north side of the site, in a reasonable location to benefit connection with the cable to the DNO. These are shown as a green / brown colour finish, although a condition can be applied to define the final colour.

The solar panels would be fixed, facing south at an azimuth angle of 180 degrees relative to north. The solar panels would have a maximum height of 2.8m above ground level and would have an elevation angle of 25 degrees above the horizontal.



PANEL ARRAY -TYPICAL CROSS SECTION DETAIL
Scale 1:200 @ A1

Typical Cross Section of Solar Panel now proposed

The grid connection point would be approximately 6.1km from the site as shown within the submitted details, north of 'Upper Minety'. The cable route would pass across agricultural fields and along local highways to reach this destination.

The proposed solar farm would generate sufficient renewable electricity to power the equivalent of approximately 15,000 average households and thereby contribute to the national target to generate 32% of overall energy generation from renewable energy.

Access to the solar farm would be via a new hardcore gravel access track that would run along an existing farm track, adjacent to the arable field boundary, and connect to the A429 Crudwell Road via an existing field gateway.

At the grid connection site, the proposals include removing an existing pylon and replacing it with two new pylons, the installation of two 15m high communication towers, a switch room and services building, 2.4m high palisade security fencing with 1.2m high stock proof fencing, a container for storage, and a loose gravel access track.

The scheme has undergone some revisions/additional detail, submitted following concerns raised. The necessary and appropriate consultations have taken place and it is on the revised/additional details that the recommendation to grant planning permission is made.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP3 – Infrastructure Requirements
- CP34 – Additional employment land
- CP42 – Standalone renewable energy installations
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP53 – Wiltshire’s Canals
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development

- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk
- CP68 – Water Resources

Saved Policies for the North Wiltshire Local Plan

- NE12 Woodland (saved Local Plan policy);
- NE14 Trees, Site Features and the Control of New Development
- NE18 Noise and pollution
- T5 Safeguarding

Wiltshire Local Transport Plan 2011 – 2026 Car Parking Strategy (Adopted March 2011) (CPS)

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance (PPG)

Historic Environment Good Practice Advice in Planning Note 2 - Managing Significance in Decision taking in the Historic Environment HE 2015).

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023 particularly, in this instance, with regards to Policy CE1 (Landscape), which specifies that development proposals should ensure that views out of the Cotswolds National Landscape are conserved and enhanced;
- Cotswolds AONB Landscape Character Assessment particularly, in this instance, with regards to Landscape Character Types (LCT) 11 Dip-Slope Lowland;
- Cotswolds AONB Landscape Strategy and Guidelines (link) particularly, in this instance, with regards to LCT 11;
- Cotswolds AONB Local Distinctiveness and Landscape Change;
- Cotswolds Conservation Board Position Statements particularly, in this instance, with regards to the Renewable Energy Position Statement, Development in the Setting of the AONB, Tranquillity Position Statement and Dark Skies and Artificial Light and its appendices.

The site is located in countryside, however, there are identified heritage assets within the general area, including archaeology and Grade II Listed Buildings (Grade II Listed Bishoper Farmhouse approximately 514m to the northeast and the Grade II Listed walled garden at Charlton Park approximately 233m to the southeast of the site).

From the point of view of the historic environment, a primary consideration is the duty placed on the Council under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest which it possesses.

7. Consultation responses (a summary of the comments provided)

St Paul Malmesbury Without Parish Council – No objection.

Charlton Parish Council – No objection.

Charlton Parish Council has concerns about this planning application in large part due to this being the second application for a solar farm in the parish, these being in addition to three of the five already approved Battery Storage sites. For this reason, the PC believes that Wiltshire

Council should make clear the criteria it uses to assess the "Residential Amenity" component of Core Policy 42. Having looked at this application as a standalone case it has decided on no objection but with requests for certain conditions.

1. That all fixed structures, including most certainly the battery units and inverter units, are of a colour that will merge with the landscape, ie green or brown, and our recommendation is RAL 6005 Moss Green.
2. That all components of the application should be subject to removal at the end of the project's approved term (documented as 40 years). We do not understand why the grid connection point should be permanent while the solar farm is lived. If, at some point in the future, a requirement to extend the life of the connection point emerges then the PC requests that approval for this should form part of a revised application or material variation.
3. The PC believes Biodiversity improvements don't just happen they need to be managed. For this reason the PC would like to see strict conditions relating to the monitoring and management of biodiversity. This would cover stipulations about:
 - a. A detailed monitoring plan, which is carried out by experienced environmental experts preferably independent of the owners and operators.
 - b. It would be good if members of local wildlife groups could be allowed on site periodically to assess the environment improvements e.g. bat, bird, plant and butterfly groups.
 - c. The initial LEMP (which will be subject to a standard condition) will run for 5 years and should include a commitment to a new version being submitted in good time each 5 years of the site's operation, to allow adequate time for review.
 - d. There should be a separate management and monitoring plan for the wildflower meadow that is being sown.
 - e. Maintenance of all biodiversity gains should form part of the conditions for removal of the site at the end of its life.

Hankerton Parish Council and Minety Parish Council – Objection

Not an effective use of the land

- 1) *Incompatible with recognised landscape character; area of potential archaeological interest*
- 2) *Development creep*
- 3) *Scale & viability*

Government expectation to site solar farms on previously developed and non-agricultural land. The proposed use of agricultural land should be shown to be "necessary"; no evidence to suggest alternatives have not been considered. Poorer quality land should be used in preference to higher quality land, only 30% of the land is poor quality. Application proposes using land of relatively higher quality (sub-grade 3a and 3b). 3a is the best and most versatile and should be protected in any event and 3b should not be used for industrial scale renewable. Concerns on this matter are raised by other Parish Councils.

Siting an industrial-scale solar farm on the land is not consistent with the landscape's recognised character and management strategy. Application recognises that the character will be changed. The application places emphasis on out of sight out of mind to justify this; this is not a sound basis as does not respect landscape character and suggests that any development that cannot be seen would be acceptable. Bronze Age archaeology recognised as on site, and application recognises the potential for other archaeological remains on the site. The use of conditions not realistic or appropriate basis for such large development. Necessity test has not been met.

Development affects three different parishes in different ways. It's a fiction that the site will be returned to its former state, this will become a permanent feature. There is no pretence with the proposed sub-station in Minety Parish which will become a permanent fixture. Minety Parish is already host to the largest battery storage system in Europe. Has all relevant Parishes been consulted. Application places much reliance on cumulative impacts of inter visibility. More than 1500 acres of greenfield land has been targeted by industrial scale solar farms in northwest of the county. LPA should consider speech given by Rt. Hon. Gregory Barker MP, Minister for Energy and Climate Change under the Conservative and Liberal Democrat coalition, to the Large Scale Solar Conference on 25 April 2013.

Application cites need for 49.9MW as no Government subsidies, however, this conclusion takes no account of contracts for difference (CfD) regime relating to low carbon electricity generation. The impact of participating in the CfD auctions improves the developer's returns. Battery storage can also yield significant gains through record pricing for their power. While any developer has commercial motives, the rationale for scaling the project to make it viable excludes the fuller picture.

Malmesbury Town Council (nearby parish)– Comment;

WC-21-05-197106 - Following discussion at its meeting on 4 May it was resolved that Malmesbury Town Council has concerns over the density of land being used for energy production rather than food and asks if there is a policy adopted by Wiltshire Council that is used to determine such applications.

Environment Agency: No objection to the proposed development, subject to informatives.

Wiltshire Council Highways: No objection subject to condition.

The application has been made subsequent to a Screening Request application (20/05893/SCO) and a Scoping Opinion application (21/00554/SCO), where the required content of a Transport Statement (TS) to support this current application had been considered and agreed. This current full application includes a TS which has included all the details requested to be considered.

The TS and the Planning, Design & Access Statement (PDAS) indicate the proposed means of access to serve the site, both during construction and for the subsequent operational stages, to be via an existing farm track off the A429 Crudwell Road. It is further understood that the intended access to the grid connection infrastructure will be via an existing farm track to the west of Oaksey Road. Whilst it is stated in the PDAS that this access "would also be very lightly trafficked, with only occasional maintenance visits required", the application should include appropriate detailed information of the intended point of access, particularly as there are two access points indicated on drawing 20.09_102 C and it appears that only one is an existing access, albeit only informally surfaced.

The A429, Crudwell Road, is a single carriageway subject to the National Speed Limit, which connects to the M4 motorway to the south and the A422, Tetbury Road, to the north.

Construction Phase –

The construction of the proposed solar farm is stated to be carried out within a period of 4 months, with all construction traffic being routed via the M4 and the A429 directly to the site.

The existing agricultural access is proposed to be improved to provide a 5.5m wide access road with 6m junction radii, which then reduces in width to 4.5m once within the site. The form of the access has been assessed to ensure that it would be appropriate to accommodate the

largest anticipated delivery vehicle, and the submitted swept path analysis confirms that the improved access would be appropriate. The access is also proposed to be improved with the provision of 2.4m by 215m visibility splays, which would accord with the recommended standards for a 60mph road.

With regard to the construction of the access, the TS states that the “site access will consist of temporary ground re-enforcements due to the small number of vehicle movements expected on site. This will ensure that the site access route is appropriate to accommodate the swept path of a 16.5m articulated vehicle, which is the largest vehicle associated with the construction of the solar farm.”

The detail of the access road construction will need to be approved, in order to ensure that the construction is of an appropriate standard, and to ensure that no loose material will be tracked out onto the highway.

The TS details the site access as being able to ensure that all construction vehicles will enter and exit the site in forward gear, with a construction compound within the site to enable turning manoeuvres. To enable the support of the loading of HGVs and plant, it is advised that there may be the need for the laying of temporary access tracks, but these will be removed on completion of the construction phase.

The movement of construction traffic at the access will be managed by Banksmen to aid the heavy and large construction vehicles with exiting movements onto the highway, ensuring the priority is given to the flow of traffic on the adjacent highway network.

The applicant has based the anticipated traffic generation, during the construction phase, on experience of other solar farms detailing the highest intensity of deliveries take place over a six-week period which involves the preparation of the site, installing the temporary access polyethylene matting, erection of security fencing, assembly and erection of the PV strings, installation of the inverters/transformers and grid connection.

The working hours are suggested as being Monday to Friday 07:00-19:00, requiring a maximum of up to 40 construction workers during peak times. A construction compound will be provided to accommodate storage, parking for contractors and turning for HGVs.

In order to reduce the number of contractor vehicle movements, it is envisaged that some non-local workforce will stay in accommodation locally and then transported to site by minibuses. The construction period will require the delivery of materials and equipment by HGV (maximum 16.5m long articulated vehicles), and the anticipated number of vehicles over a 6 week period has been set out as 241 deliveries (482 two-way movements), which equates to around eight deliveries (16 movements) per day, of which 115 (230 two-way movements) would be made by 16.6 m articulated vehicles.

It is also advised that a number of smaller vehicles such as skip collections and transporting construction workers and sub-contractors will also be generated, but no details of the quantum has been provided. However, it is accepted that the intense movements and level of traffic generation is limited to a short period.

Operational Phase –

It is stated that once the solar farm is constructed, it is unmanned and would generate around two to three visits to the site per year, typically by light van or 4x4 type vehicles. Such level of movements is stated as being “fewer than the existing agricultural use”.

Having regard to the above, I am happy that the operational implication of the development would not have a material impact on the use of the site access, however the construction phase will require more intensive movements of vehicle in respect of deliveries and construction traffic.

The proposed site access to the solar farm is considered appropriate to accommodate the delivery and construction vehicles, and the detail of the construction of the access and associated visibility splays will need to be subject to appropriate conditions.

The laying of underground cables and the connection to the National Grid will involve works within the existing highway and the crossing of highway structures, for which appropriate licences will be required.

Whilst it is accepted that the frequency for access to the proposed sub-station will be limited, details of the intended form of access, including the construction and available visibility, will need to be approved, as a condition of any approval.

Wiltshire Council Public Protection: No objection subject to conditions.

Conditions should be imposed in relation to noise impact and contaminated land.

Natural England: Objection.

The site at its closest point is within 800m of the Cotswolds National Landscape (CNL). NE advise that given the proximity to the CNL and the scale of the development the LVIA should consider viewpoints from within the CNL at all times of the year and impacts assessed and if necessary mitigated in line with NPPF para 176 'development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas'.

Natural England notes the response dated (dated 1st October 2021) from the CNL identifying locations within the CNL that require further assessment. The CNL team will have direct knowledge of the site and its relationship with and to the designated area and are well placed to advise on how the scheme would impact on the purpose of designation. We recommend that their advice is given appropriate weight in determining this planning application.

The access track and substation are in close proximity to Maskelyne's Copse which is ancient woodland. NE note there is a back up option for an access track and cabling route to the substation, Natural England advise this option would create less disturbance both during construction and post construction stages on Maskelyne's Copse AW.

Cotswold AONB: No objection.

Our previous response dated 1 October 2021 raised a number of issues with the previous Landscape and Visual Impact Assessment (LVIA) submitted by the applicant in support of the application. We therefore welcome the submission of a new LVIA, dated 6 July 2022, and note the comments provided by the Council's Landscape Officer dated 8 November 2022. Having considered the information submitted, the Board does not object to the application.

In our previous response we requested that three locations were included in a revised visual assessment. The new LVIA contains 'photoviewpoint' and 'context view' photographs situated in these broad locations which we understand were agreed with the Council's Landscape Officer and which were taken in wintertime (December 2021). These are welcomed and they show that clear views of the proposed solar farm from the National Landscape are not possible

from these particular locations due to the intervening screening features of woodland, trees and vegetation and in some cases, local topography.

On balance, we do not disagree with the new LVIA's conclusion that the proposed development of the main solar farm site would result in a minor adverse (i.e. not significant) landscape effect on the setting on the AONB. Based upon the photographs in the LVIA we also consider it is unlikely that views from PROWs in the National Landscape would be impacted in any significant (in EIA terms) adverse manner as a result of the development.

We also note the Council's Landscape Officer's recent recommendation to remove his previous objection subject to the preparation and submission of an effective and enforceable landscaping scheme that appropriately protects and enhances local landscape character and Green Infrastructure and would support this requirement.

It is disappointing that the new LVIA does not appear to have responded to our recommendation that consideration should be given to glint or glare caused by the reflection of sunlight off the solar panels during daylight hours, despite this also being recommended in the Planning Practice Guidance referred to at paragraph 2.1.2 of the LVIA. However, given the LVIA has demonstrated there to be limited intervisibility between the site and viewpoints within the National Landscape, we do not wish to raise an objection on this matter.

The LVIA also does not respond to our recommendation to discuss the potential introduction of lit elements into the night-time landscape as a result of any lighting associated with the proposed development. Therefore, and without prejudice, should the Council be minded to grant planning permission, we would request that appropriate pre-commencement planning conditions relating to any lighting are imposed in the interests of the conservation and enhancement of the dark skies of the National Landscape which are one of its 'special qualities'.

Wiltshire Council Landscape Officer: No objection subject to conditions.

The application is now additionally supported by a completely new Landscape and Visual Impact Assessment (LVIA) prepared by 'TIR Collaborative Ltd.' I confirm that the applicant's new appointed landscape consultant has positively engaged with the Council's landscape officer to discuss the scope of the assessment and selected visual receptors and viewpoints for inclusion and detailed assessment within the study in accordance with the recommendations / best practice advice contained within the 'Guidelines for Landscape & Visual Impact Assessment – Third Edition' (GLVIA3).

The new study better describes and incorporates an assessment of effects for the planned works to create the permanent grid connection site which was previously lacking, and also better considers the potential for resulting effects arising from the planned new development of the solar farm PV site upon the setting to the Cotswolds AONB. The new LVIA is also accompanied by consistently prepared plans and photographs within its supporting appendices.

The accompanying Environmental Statement is clearly out of date following the applicant's appointment of a new landscape consultant and preparation of a new LVIA. The ES will need to be updated in the interests of proper planning for this EIA development proposal etc.

I maintain previously raised concern regarding the poorly conceived alignment and layout of security fencing which will physically block existing green infrastructure corridors that run through the Solar PV site for larger wildlife species between woodlands along hedgerows and watercourses.

I am surprised that the new LVIA has still not ultimately included any landscaping strategy to inform detailed landscaping proposals that would further help the new development fit as well as it could do into the receiving landscape. For example, landscaping proposals should clearly identify locations of strategic hedges that should be managed at certain heights to provide visual mitigation for some receptors and should identify hedgerows that would benefit from new standard hedgerow tree planting for the purpose of enhancing landscape character in line with requirements of WCS Core Policy 51 (Landscape) and Core Policy 52 (Green Infrastructure).

Proposals might also include recommendations on proposed use of recessive earth tone colours for new containers and structures, design and layout of fencing, improving the age and species diversity and numbers of existing hedgerow trees within existing hedgerows or planting a new field hedge along the new access road (permanent grid connection site).to leave a positive landscape legacy from this planned 40year land use etc.

Recommendation –

Subject to the preparation and submission of an effective and enforceable landscaping scheme that appropriately protects and enhances local landscape character and Green Infrastructure, then I would remove my current landscape objection to this application.

In my opinion detailed landscaping proposals and final detailed alignments of fencing could be secured by means of suitably worded planning condition/s if the applicant is either unable or unwilling to provide this information upfront.

Wiltshire Council - Lead Local Flood Authority: Support subject to conditions.

Main Solar Farm Site –

The proposed drainage strategy for the 'main' site utilises the existing topography and natural drainage regime to ensure that any overland flows, although not increased compared to the existing situation, will be allowed to run-off overland towards the shallow valleys running through the site as shallow 'sheet flow' (whereupon flows will then likely either be conveyed away from the site by the ditches, or continue to flow south-westwards away from the site with the prevailing topography), as per the existing situation. Assuming that grass cover will be retained across the site (with the exception of the proposed gravelled access tracking and construction compounds), this will therefore maintain, and likely improve, the existing hydrological regime, without resulting in any increased volume or intensity of run-off; alteration of catchment drainage patterns; or, unintentional creation of preferential flow paths. On this basis, the proposed development is in fact considered to result in a favourable drainage response and therefore a specific engineered drainage strategy is not considered necessary to control the hydrological response of the site.

Point of connection Site –

The majority of the proposed 'point of connection' site will remain permeable / covered with permeable materials (most likely gravel), including the proposed access track to the compound. Furthermore, given the limited number and relatively small scale of proposed structures, it is intended that surface water run-off from proposed impermeable areas (i.e. structures) within the compound area is to be allowed to run-off onto adjacent land. Noting the geological and topographic conditions, the majority of such run-off is likely to preferentially infiltrate to ground, with any excess flows directed overland south-eastwards, as per the existing situation. Although the 'point of connection' site is concluded to be at generally low risk of flooding from all sources.

Wiltshire Council Ecology – No objection subject to conditions.

Initial objections raised due to lack of information. Following the submission of further detail the objections have been removed, subject to conditions.

The following information has been submitted and reviewed:

- *Outline Construction and Environmental Management Plan (Savills, February 2021).*
- *Environmental Statement Volume 1: Chapter 6.0 Ecology and Nature Conservation Rev. 1 with highlights and additional information/text received on 07/11/2022.*
- *Appendix 4.2A – Outline Landscape and Ecology Management Plan – 1098-LEMP-RP-REV. 1 (GE Consulting October 2022).*
- *Appendix 4.3 Great Crested Newt Survey Addendum Report -1098 – GCN – CB (GE Consulting October 2022).*
- *Appendix 4.4: Bat Automated Detector Survey Addendum Report – 1098-BAT-RP (GE Consulting October 2022).*
- *Appendix 4.5 Ecological Monitoring Strategy – 1098 -EMS-RP (GE Consulting, November 2022).*
- *Ecological Technical Note – Five Lanes Solar Farm, Malmesbury (Richard Pash (GE Consulting), 01/11/22)).*
- *Figure 1: Ecological Mitigation and Enhancement Plan. Rev. 1. Ref: 1098-EMEP-F1 (GE Consulting, 23/03/2021).*
- *Biodiversity Metric 2.0 spreadsheet (02/02/2021).*
- *Tree Constraints Plan (Aspect Arboriculture, March 2023),*
- *Arboricultural Technical Note (Aspect Arboriculture, March 2023),*
- *Tree Schedule (Aspect Arboriculture, March 2023);*
- *Tree Protection Plan (Aspect Arboriculture, March 2023)*

All outstanding issues have been resolved; therefore, I have no objection subject to conditions.

Wiltshire Council Archaeology: No objection subject to conditions.

Following a re-consultation on additional detail providing an archaeological evaluation report. Further survey work is required along with a methodology for protecting any identified archaeology, these can be captured through appropriately worded conditions.

Initially pre-determination trial trench evaluations were required to be carried out to better inform the proposed schemes development. It is acknowledged that the applicant had chosen to move solar panels away from the most obvious archaeology features identified by the geophysics.

Areas would need to be excluded from development should be set out in an Archaeological Management Plan (AMP) that establishes a methodology for protecting them prior to and during the developmental and operational phases of the solar farm.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been a series of amendments to the application which have been publicised and consulted on.

At the time of drafting the report there have been approximately 8 letters objecting/commenting from third parties and an objection from CPRE; it should be noted that there is some repeat

correspondence. The following is a summary of the points raised by members of the public / third parties: -

Object

- Accumulation of solar farms puts Wiltshire second highest in the country
- Cumulative impacts with other solar farms within a 4km radius, such a small area
- Changing the local landscape leading to the degradation of the environmental amenity
- Insufficient detail relating to battery storage
- Safety issues associated with lithium batteries
- Question life span of solar panels for 40 years, more like 25 years and then to landfill
- Loss of agricultural land (grade 3a) from food production
- Impact on heritage, area defined by ancient town and abbey of Malmesbury within 5km of the site
- Highlights proximity of A429 but downplays extent of spread of development.
- Questionable community engagement / web page no longer available
- No proper community consultation
- Lack of response is due to issues associated with pandemic
- Application insufficiently advertised
- Other solar projects in the area have excited far more reaction
- Location of grid connection calls into question suitability of the site
- Issues with road closures to put in underground line to connection
- Transmission losses along length of cabling
- Community benefit not generous

Comments

- Overlook sites northern boundary, good knowledge of the local area
- Solar technology key to creating green energy for country
- Needs to be carefully balanced to ensure preservation of rural character
- Landscape and ecological enhancement
- Could be one the best solar developments through further enhancements to landscape and ecology
- Ecological and environmental benefits of linking to existing woodland habitats
- Habitat creation a win / win, with net gain in biodiversity significant
- What is the form, scale and height of the battery unit accommodation

The CPRE objection is as follows –

Object strongly to this speculative scheme to generate and warehouse electricity at the expense of further degradation of north-west Wiltshire's rural character.

The proposed change of land use for the generation of electricity does not detract from the environmental harm of creating manufacturing and warehousing. The scheme would be for substantial development, notably arrays of ground-based solar panels and concrete-based steel containers with associated transformers, surrounded by security fencing and CCTV equipment – features that would be incongruously different from the present land-cover of the site. The proposal for the site would alter the existing land surface and the current rural visual qualities of that land for at least 40 years; the alteration to the Grid-Connection Yard would be permanent.

The proposal would not be hidden by naturally occurring features such as hedgerows, topography of the land etc. To hide the scheme, boundary features will be encouraged to grow out, this is considered an inadequate strategy that would take time to develop, be of varying

seasonal effectiveness, and be overtopped by some of the proposed equipment. The grid connection is might be small but is industrial and tall. The compound would contain associated paraphernalia on which insufficient information has been provided. Two additional pylons would be created outside of the compound to replace an existing one.

Cumulative impact with other solar installations within the area will have a combined industrialised impact, this proposal should be rejected.

Planning Practice Guidance emphasises that the need for renewable energy generation does not automatically override environmental protections. And the cumulative impact needs to be carefully considered in relation to impacts on the amenity and landscape of an area.

The cumulative impact can be a 'sequential', accumulated as an observer moves about in an area, and sees the same or different developments. The proposed Five Lanes array would have unacceptable impacts as a standalone area of transformed land-cover and it would also cause sequential effects. The proposal would contribute to a growing sense of industrialisation. Whilst the field shapes and sizes may remain, the swathes of solar panels would negatively transform the character of the area.

A proposed mitigation scheme in itself admits the impacts would be harmful. In an effort to mitigate the incongruity of the array fencing and the visual blockage caused by the sprawl of industrial equipment within it, new green planting would be introduced, and gaps in the existing hedges would be infilled. In time the planting may hide the development but the creation of boundary screens will make the blockage to local views denser. Human receptors' experience of the site would cease to be of "part of a continuous pastoral and agricultural landscape (8.14.15)": in its place they would see a stock-fenced enclosure, largely filled with man-made manufacturing equipment, more akin to an industrial estate than a farmland setting. This is not a remote location.

The negative impact through the provision of alien artificial structures within the countryside far exceeds the positive outcome from the mitigation.

Site lies in open countryside where development should be avoided, no justification for this development here. No evidence to support consideration for alternative sites, increased employment opportunities or community benefits. Benefits are solely the provision of low-carbon electricity. It is considered that the planning balance in north-west Wiltshire has been unreasonably skewed in favour of development without adequate justification in at least ten planning decisions on schemes for generating and/or warehousing electricity. We are anxious not to see that happen again. In this case, the interests of the local landscape and environment should prevail.

9. Planning Considerations

9.1 Principle of Development

The NPPF advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any other material considerations must be given weight on the planning balance.

Turning to the development plan (the WCS), the site lies within countryside and Core Policy 42 of the WCS supports the development of 'standalone renewable energy installations', subject to the identified criteria. In particular, proposals must demonstrate how impacts on the following factors are satisfactorily addressed, including any cumulative effects:

- i. The landscape, particularly in and around AONBs*
- ii. The Western Wiltshire Green Belt*
- iii. The New Forest National Park*
- iv. Biodiversity*
- v. The historic environment including the Stonehenge and Avebury World Heritage Site and its setting*
- vi. Use of the local transport network*
- vii. Residential amenity, including noise, odour, visual amenity and safety*
- viii. Best and most versatile agricultural land*

Applicants will not be required to justify the overall need for renewable energy development, either in a national or local context.

The site does not lie within or anywhere near to the Western Wiltshire Green Belt, New Forest National Park, or the Stonehenge and Avebury World Heritage Site. As such, it is considered that points i, iv, v, vi, vii and viii are only relevant and require consideration, and accordingly are addressed in this report. The principle of standalone renewable energy is accepted provided the relevant criteria are met.

The provision of standalone renewable energy installations is supported by the NPPF. Notably, paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate; it should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience and support renewable and low carbon energy and associated infrastructure.

Locally, Wiltshire Council has made a firm commitment to becoming a carbon neutral council by 2030 and the Council's adopted ECO (Energy, Change and Opportunity) Strategy sets out a clear commitment to increase the uptake of renewable energy. Action to tackle climate change through energy efficiency and renewable energy generation are intrinsic to how Wiltshire Council wants to develop.

Paragraph 158 of the NPPF states –

When determining planning applications for renewable and low carbon development, local planning authorities should:

a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

The Government's Planning Practice Guidance (PPG) states:

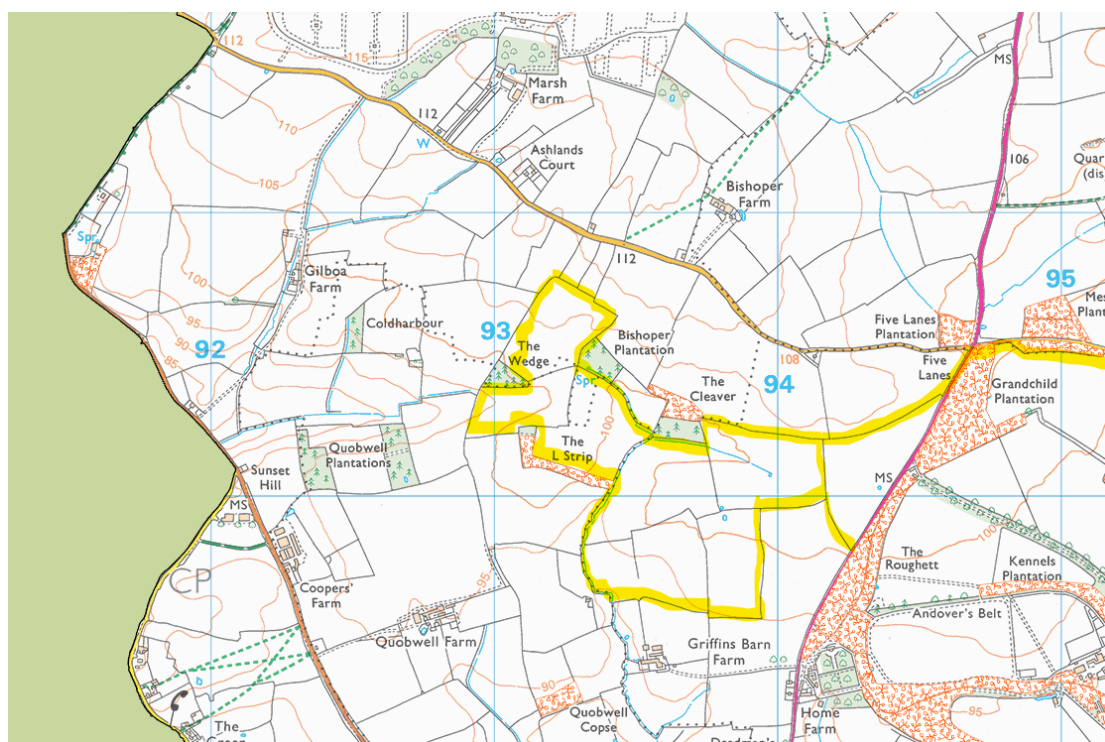
Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable [Paragraph: 001 Reference ID: 5-001-20140306].

Accordingly, it is clear that the provision of renewable and low carbon energy development is supported in principle by the Government at national level and at a local level by the relevant Core Policy (CP42) of the Wiltshire Core Strategy.

9.2 Landscape and Visual Impact

Core Policy 57 ('Ensuring High Quality Design and Place Shaping') of the WCS sets out the requirement for good design. Core Policy 51 ('Landscape') of the Wiltshire Core Strategy states that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

The main solar farm element of the proposal would be located on agricultural lowland, comprising several medium sized irregular shaped arable and permanent pasture fields. The central and east part of the site is mainly flat, with the land in the north-west very gently rising to the north-west boundary. The land gently slopes down to the south and south-west boundaries. The shape and boundary of the main solar farm site is defined by the agricultural fields and hedgerow boundaries, interspersed with individual trees, and it is surrounded on all sides by large and medium arable fields. To the north-east of the site there is a small watercourse and adjacent are blocks of conifer and mixed woodland plantations, a defined feature within this location.



Site outlined in yellow – shows field pattern & proximity to the Cotswold AONB

The site for the proposed grid connection is situated on top of a rounded hill with adjoining woodland arching around along the western boundary. The site is a small part of a medium sized irregular shaped pasture field that has been merged with other small fields. The site contains a pylon with another parallel pylon to the north and overhead cables connecting to nearby pylons to the north and south. To the east of the site, on the lower slopes, the

landscape is characterised by smaller sized pasture fields with strong field boundaries defined by hedgerows and individual trees.



Site outlined in yellow – shows point of grid connection

AONB impact –

Natural England raises concerns over potential adverse visual impacts from viewpoints from within the Cotswold National Landscape (CNL) and on Maskelyne Copse. Potential harm arising from visual impacts is also raised by the CPRE and some third parties.

The Council's Landscape expert initially raised similar concerns, and as a consequence further assessment through a revised LVIA has been provided. Following further consultation on the revised LVIA, both the Cotswold AONB and Council's Landscape Officer have removed their initial objections, subject to conditions.

As part of the revised LVIA further viewpoints are assessed, and it is based on these that the Landscape Officer concludes that the proposed development of the main solar farm site would have only a minor adverse (i.e. not significant) landscape effect on the setting of the AONB. The LVIA shows that clear views of the proposed solar farm from the nationally designated landscape would not be possible from these particular locations due to the intervening screening features of woodland, trees and vegetation and in some cases, local topography. Views from PROWs in the national landscape would not be adversely affected.

More general landscape impact –

In more local landscape character terms, the sites are within countryside which has been defined by agriculture; there is field after field, divided and bounded by established hedging, trees/woodland and drainage ditches. The introduction of the solar farm to part of this landscape would see a relatively localised change to the 'base', although with the established field patterns and the intervening boundaries largely retained. The overall rurality of the countryside in terms of its peacefulness and general tranquillity would not change – it would continue to be an attractive and isolated place in this sense, albeit accommodating the solar farm.

Cumulative impacts on visual amenity are where combined visibility occurs where the observer is able to see two or more developments from one viewpoint. Assessments are required to consider the combined effect of all solar farms and any other form of major development which are (or would be) visible from relevant viewpoints. There are other solar farms within the wider area; however, when travelling through the wider area, and when viewing this site from further afield, there are no other solar farms in view.

It is recognised that these types of development are very much low level, and within this landscape with the degree of separation and intervening features between the sites and other land beyond, they are not experienced as a whole. On this basis it is considered that there is not a significant cumulative landscape effect.

Landscape and visual impact conclusions –

The proposal is to retain much of the existing hedgerows and trees across the sites and improve existing boundaries with additional ‘native hedgerow’ planting, interspersed with trees where necessary. The details of this would be secured through condition. The application site does not lie within a protected landscape, and it is considered that the proposal would not affect the setting of a protected landscape. The proposal retains much of the existing field pattern and boundary hedges and it proposes to reinforce these with new and supplementary planting.

Core Policy 42 states that proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints, of which landscape impact is one. Core Policy 51 requires all new development proposals to conserve Wiltshire’s landscape character and provide sufficient mitigation where necessary to combat any negative effects. It is considered that through appropriate landscaping visual impacts would be appropriately mitigated as far as possible and there would be no unacceptable impact on wider landscape character. It is, therefore, considered that the scheme complies with the relevant landscape policies.

The conditions recommended by the Landscape Officer are considered necessary and meet the relevant tests. On the basis of the localised (and ultimately reversible) visual impact it is considered that there can be no reasonable objection on landscape impact grounds, subject to the conditions.

9.3 Heritage Impact

In determining this application, the Council has a statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess. Some third-party concerns have been raised in relation to the potential for impacts on heritage assets within the area.

There are identified heritage assets within the general area, notably Grade II Listed Buildings – Bishoper Farmhouse approximately 514m to the north-east and the walled garden at Charlton Park approximately 233m to the south-east of the site. However, in view of the separation of these assets from the site and in view of their contained settings, there would be no adverse impacts. Comments received from the Conservation Officer do not raise an objection subject to removal of the solar farm at the end of its life. In terms of the NPPF, the proposals would have a neutral impact on heritage assets, and consequently there is no necessity to balance ‘harm’ against public benefit.

With regard to the recommended condition, it is standard for a decommissioning condition to be imposed to require removal of a solar farm following its temporary consent. Such a condition is reasonable and necessary to make the development acceptable in planning terms and in order to comply with both local and national policy.

It is therefore considered that the proposal complies with CP58 of the WCS and relevant paragraphs of the Framework, and that the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have been addressed.

9.4 Archaeology

An initial holding objection was raised by the County Archaeologist (CA) in view of the potential for archaeology to be affected. The CA considered that there was insufficient information with the application. In view of this, further details and amendments to the layout have been provided which have enabled the CA to remove the objection, subject to conditions relating to protection of the identified archaeology. The amendments include moving elements of the development away from archaeological features identified by geophysical surveys.

9.5 Drainage

CP67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs) unless site or environmental conditions make these measures unsuitable.

Comments received from the Council's Land Drainage Officer raise no objections to the proposed scheme and recognise that the proposed drainage strategy for the 'main' site utilises the existing topography and natural drainage regime to ensure that any overland flows, although not increased compared to the existing situation, would be allowed to run-off overland towards the shallow valleys running through the site as shallow 'sheet flow'. Flows would then likely either be conveyed away from the site by the ditches or continue to flow south-westwards away from the site with the prevailing topography, as per the existing situation.

The maintained grass cover that would be retained across the site, with the exception of the proposed gravelled access tracking and construction compounds, would therefore maintain, and likely improve, the existing hydrological regime, without resulting in any increased volume or intensity of run-off; alteration of catchment drainage patterns; or, unintentional creation of preferential flow paths. On this basis, the proposed development is in fact considered to result in a favourable drainage response, and therefore a specific engineered drainage strategy is not considered necessary to control the hydrological response of the site. Similarly, the ground at the point of connection to the grid would remain permeable with any surface water run-off likely to fall with the topography of the land, as presently.

The proposal, therefore, accords with the requirements of paragraph 167 of the NPPF - that is, that it would not lead to increased flood risks elsewhere – and with Core Policy 67 of the WCS.

9.6 Ecological Impact

In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species, in line with the NPPF and with CP50 WCS (2015). Core Policy CP50 sets out how development must take into consideration the importance of ecological features and species in an area, how they can be maintained, and - where it is deemed necessary to alter a feature - appropriate mitigation. Core Policy 50 also requires all development to demonstrate no net loss of biodiversity and for major applications such as this

the expectation is that development will deliver a net gain. The NPPF also encourages applications to deliver measurable net gains (para 175d) and the government has signalled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain.

Some objections to the application raise concerns that there would be degradation to the environment as a consequence of the proposal; other comments contradict this, seeing the proposal as enhancing the landscape and ecological interests of the site and wider environment.

Natural England does not object to the planning application in relation to protected species, but raises concerns/objections in relation to impacts on viewpoints from/to the CNL and the potential for disturbance to root systems (Maskelynes Copse) at the grid connection. However, additional information from the applicant has satisfied the Council's Ecologist and Landscape Officer that there are no sustainable landscape or ecology reasons to refuse planning permission.

Notably, an acceptable level of baseline survey work for protected species has been carried out. And the construction of the sub-station and access track would avoid impacting on root protection areas associated with the adjacent woodland. The PV layout retains the majority of hedges and mature and veteran trees and provides buffers along features recognised as of value to biodiversity. Measures to mitigate impacts on biodiversity and provide enhancements are identified: these include habitat creation and enhancement of grassland. Such measures are considered acceptable and welcomed. Subject to condition, the ecologist is satisfied that in combination, these measures would ensure that the site retains the functionality of its habitats for wildlife and would result in no net loss in biodiversity. The conditions are considered reasonable and necessary to make the development acceptable in planning terms and in order to comply with both Local and National Policy.

The scheme would result in biodiversity net gain in habitat and hedgerow units, surpassing the Government's 10% net gain targets. It is considered that subject to conditions, the proposed development can be carried out without having an adverse impact on protected species or their habitats. The proposal would also introduce green infrastructure and habitat creation which are considered to represent an ecological enhancement. It is considered that the proposed development accords with Core Strategy Policy 50 and requirements in Section 15 of the NPPF.

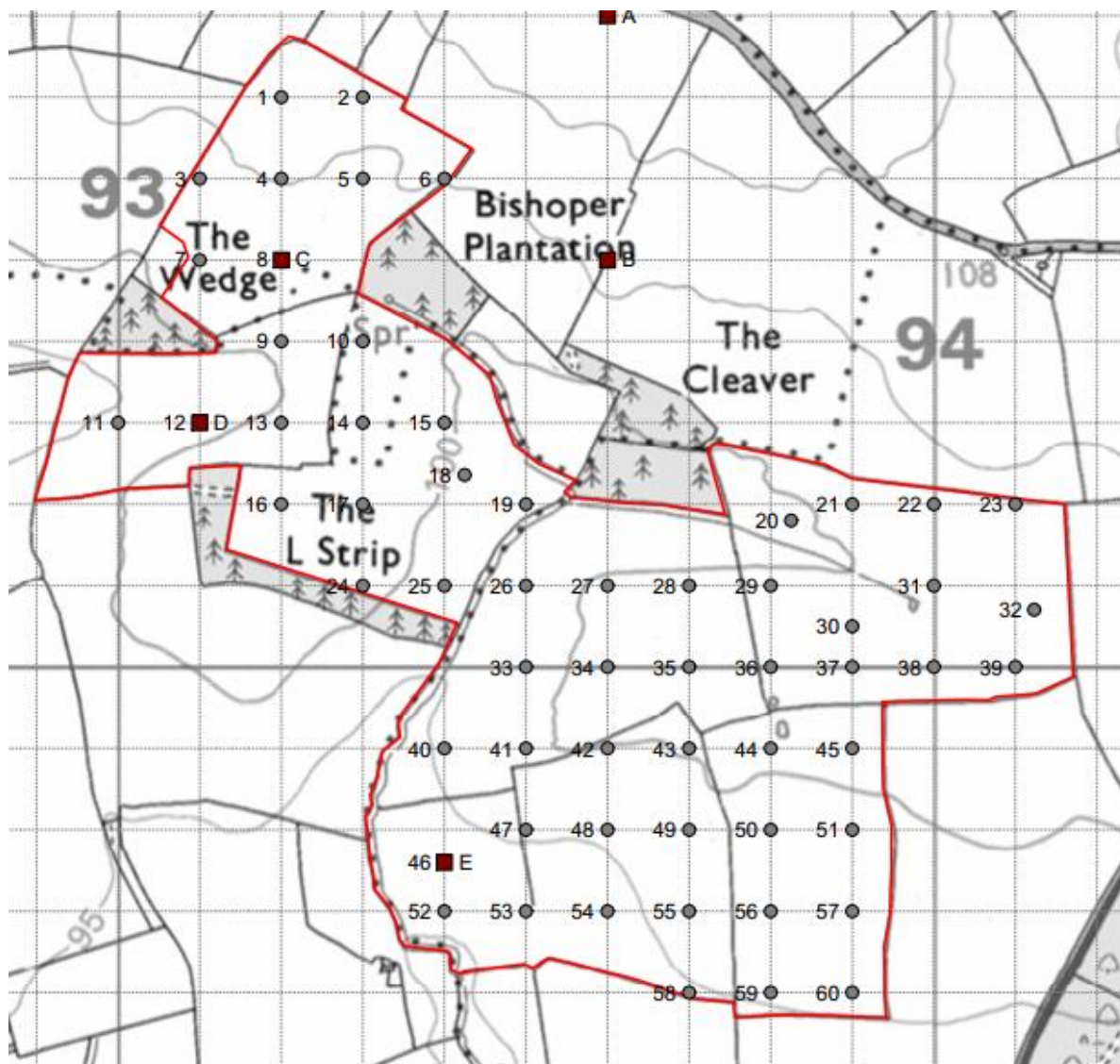
9.7 Agricultural Land

According to the NPPF, where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of higher quality. For planning applications, specific consultations with Natural England are required under the Development Management Procedure Order in relation to best and most versatile (BMV) agricultural land. These are for non-agricultural proposals that are not consistent with an adopted local plan and involve the loss of 20 hectares or more of BMV. Whilst the application site does not fall within either of the above criteria, Natural England (NE) has been consulted anyway as it is EIA development. NE has not commented on the agricultural land matter.

The proposed development is supported by Core Policy 42, which states that standalone renewable installations, amongst other criteria, shall demonstrate how impacts on (viii.) "best and most versatile agricultural land" have been satisfactorily assessed.

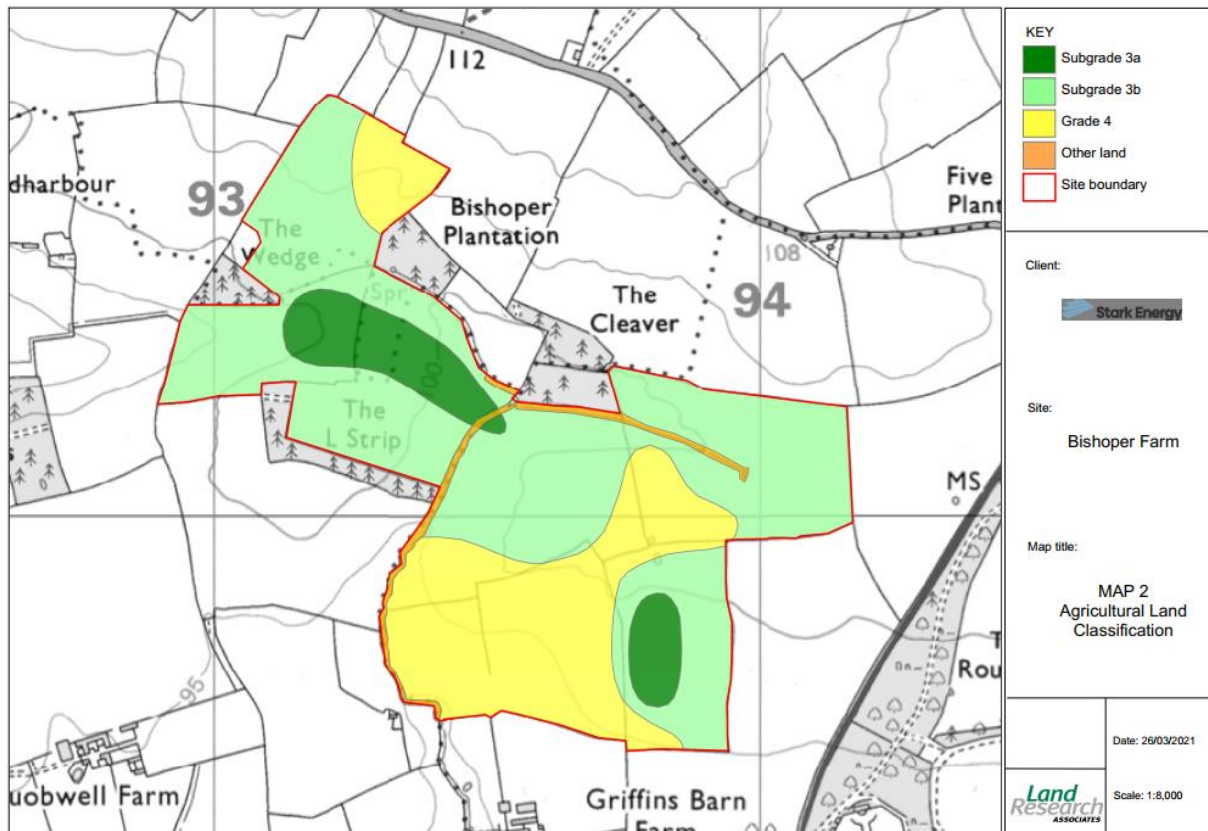
Some objections to the application raise concerns at the loss of agricultural land from food production.

The Council's mapping system indicates that the site is Grade 3 land. A detailed agricultural land classification report has been prepared in support of the application and clarifies that the site is predominantly classified as grade 3b/4 (accounting for 88% of the area) and Grade 3a (accounting for 10% of the area); the remaining 2% is 'other land'. Soil samples were taken across the site (ref. "Map of soil sampling points" below) –



Map of soil sampling points

The extent of the agricultural land Grade is shown on the following Agricultural Land Classification map.



Plan demonstrating grades of land

The NPPF defines the best and most versatile (BMV) agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification; as such, some of the site is BMV.

Core Policy 42 criteria (viii) requires the impact on BMV to be taken into account. The area of Grade 3a land is relatively small (at 6.2 ha), and it is surrounded by lower grade land. As referenced above, 6.2 ha of grade 3a land falls below the 20 ha that Natural England would be potentially concerned by. Natural England has been consulted on the application and has not commented on the loss of agricultural land.

It is acknowledged that the total area of the site is 63.1 hectares; however, the siting of the solar panels does not cover every square metre of the land, and it is relevant that the land can still play a part in both agricultural and environmental terms. Animal grazing can theoretically still take place across the site below the proposed panels, and wildlife meadows created elsewhere. There are areas of the site that will remain untouched due to the presence of archaeology and there are also recognised areas of new landscaping and planting (including for biodiversity net gain).

Overall, the proposal would not result in significant loss of agricultural land and where it is temporarily lost for the life of the solar farm, the land is mainly of lower grade anyway; there is, therefore, not considered to be conflict with Local Plan policy. The temporary loss of agricultural land is not contrary to the policies as set out within the development plan and the framework, and the benefits through the provision of a solar farm generating renewable energy in this location are considered to outweigh the loss in any event. As such, the effect on and potential loss of agricultural land affords neutral weight in the planning balance.

9.8 Amenity of the area

Core Policy 57 of the WCS (2015) aims to ensure that proposed development would not have a detrimental impact to the amenity of adjoining buildings and uses. Core Policy 42 states the proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints, including (vii.) “residential amenity, including noise, odour, visual amenity and safety”.

Concerns raised include safety of battery storage units and lithium batteries and the disposal of panels.

Comments received from the Council Public Protection Team confirm that they reviewed the application. They do not raise any objections in relation to glint and glare. They recommend the imposition of conditions in the interests of amenity. It is during the construction phase that noise issues could arise and this would be limited by condition to work day hours and only for a limited time during the construction phase. A condition is also recommended relating to land contamination investigation. Overall, it is not considered that the proposal would give rise to adverse impacts on the reasonable living conditions of the occupiers of neighbouring owners/occupiers during the construction stage.

The proposed scheme is for the installation of solar panels with associated equipment, cabins, fencing etc.. The nearest property is Griffins Barn Farm at approx. 180m away with all other properties in excess of this distance. The site is generally surrounded by countryside so the proposal would not have a detrimental impact on the amenity of any nearby residential properties.

There should not be any overlooking or loss of privacy through the proposed security cameras that would be installed at the site entrance and at intervals around the perimeter. These would be kept to a minimum but are necessary to deter intruders, theft and vandalism. Predominantly these would be viewing along the boundaries to monitor persons trying to gain unauthorised entry and so would not be directed at any nearby neighbouring properties where they would serve little purpose. Bearing in mind the difference in levels, the topography of the land and the intervening boundary features (existing and proposed) and distance between the site and nearest properties, it is considered that there would be no significant impact on the amenity of the occupiers of any property.

BRE guidance states that: *“Glint may be produced as a direct reflection of the sun in the surface of the solar PV panel. It may be the source of the visual issues regarding viewer distraction. Glare is a continuous source of brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.”* It adds that solar PV panels are designed to absorb, not reflect, irradiation.

As detailed in the submitted Solar Photovoltaic Glint and Glare Study (Feb 2021), no significant impact upon road users is expected; no mitigation is required for road users. A low impact is predicted at one dwelling with no mitigation recommended. Considering bare earth conditions, the solar reflection would last for approximately 15 minutes per day for approximately 4 months per year. The available imagery has identified existing screening at the dwelling location. Furthermore, views are only deemed possible from upper storey west facing windows. These present mitigating factors. The resulting impact significance is deemed to be ‘moderate’ however it is reduced to ‘low’ considering these mitigating factors. This is because the existing screening would likely reduce the time period of any solar reflection and there would be limited visibility of the solar reflection from within the dwelling. No mitigation is required or recommended in this instance.

The potential for impact on residents from construction traffic movements is acknowledged, during the construction phase there would be an increase in traffic. However, during the operational phase of the site, such movements would be low and would have no adverse impact on residents around the site. Whilst issues pertaining to conflict between construction traffic and local residents and other users of the area would be heightened during the period of construction, this would be a relatively short period of time.

The risk of pollution from fire, contamination etc are acknowledged; however, any large-scale battery installations in the UK must comply with stringent health and safety regulations, both during installation and operation. It is proposed that the batteries are securely housed in shipping containers, with appropriate safety measures including cooling systems to ensure they operate at safe temperatures. Fire detection and suppression systems, and continuous external monitoring would be included.

Underlying all these matters is the fact that other regimes operate in this field to regulate the safe operation of such installations. National policy is clear that the focus of planning decisions should be on whether a proposal is an acceptable use of land, rather than the control of processes where these are subject to separate regimes. Planning decisions should assume that these regimes will operate effectively. For the above reasons there is nothing in relation to the safety of the installation which should weigh against the proposal on the planning balance.

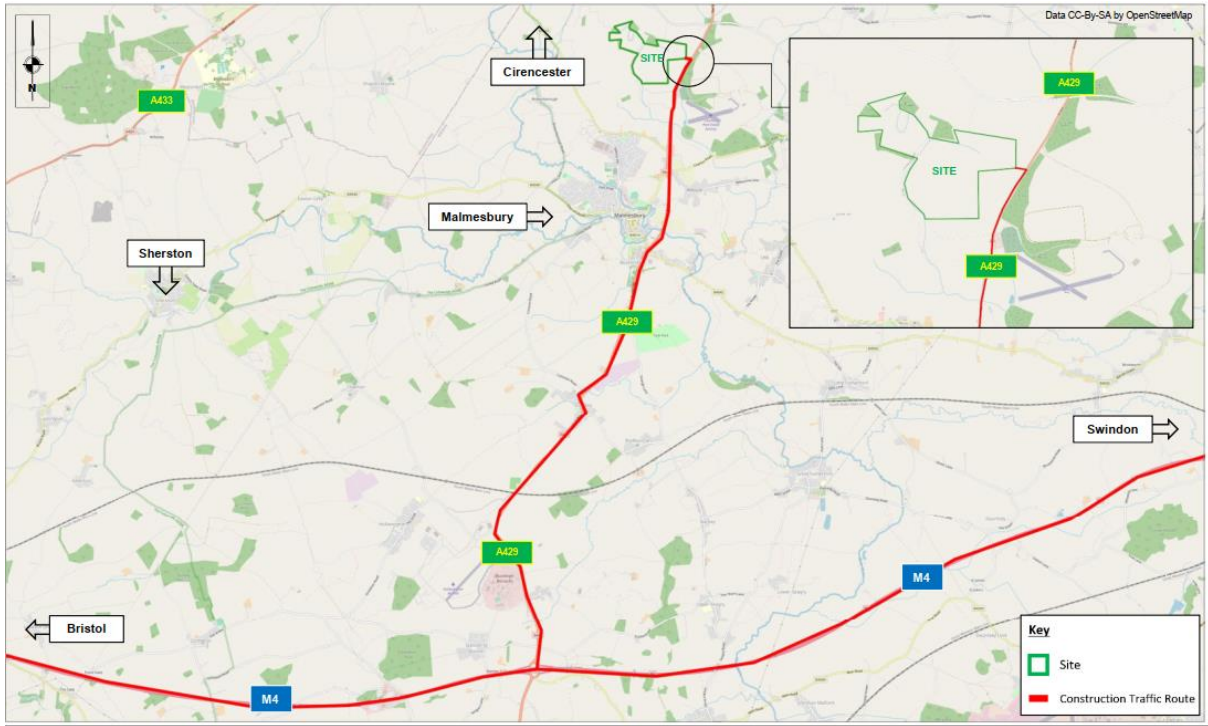
The Council's Public Protection team raise no objection to the development subject to conditions relating to noise and land contamination. These requirements are reasonable and necessary to make the development acceptable in planning terms. It is considered that the proposed development complies with the criteria of Core Policies 57 and 42 of the WCS and that any limited impacts would not be so significant as to justify a reason for refusal in this instance. The significant benefits of providing a solar farm that can generate renewable energy for in excess of 15,000 dwellings per year is considered to outweigh any limited harm on the amenity of the area.

9.9 Highways

Core Policy 42 states the proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints, including (vi.) use of the local transport network. Core Policy 60 Sustainable Transport supports the premise for development within sustainable locations and this will be achieved through assessing and, where necessary, mitigating the impact of developments on transport users, local communities and the environment. Core Policy 61 Transport and new development, amongst other criteria aims to ensure that the proposal is capable of being served by safe access to the highway network. Core Policy 62 clarifies that development provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

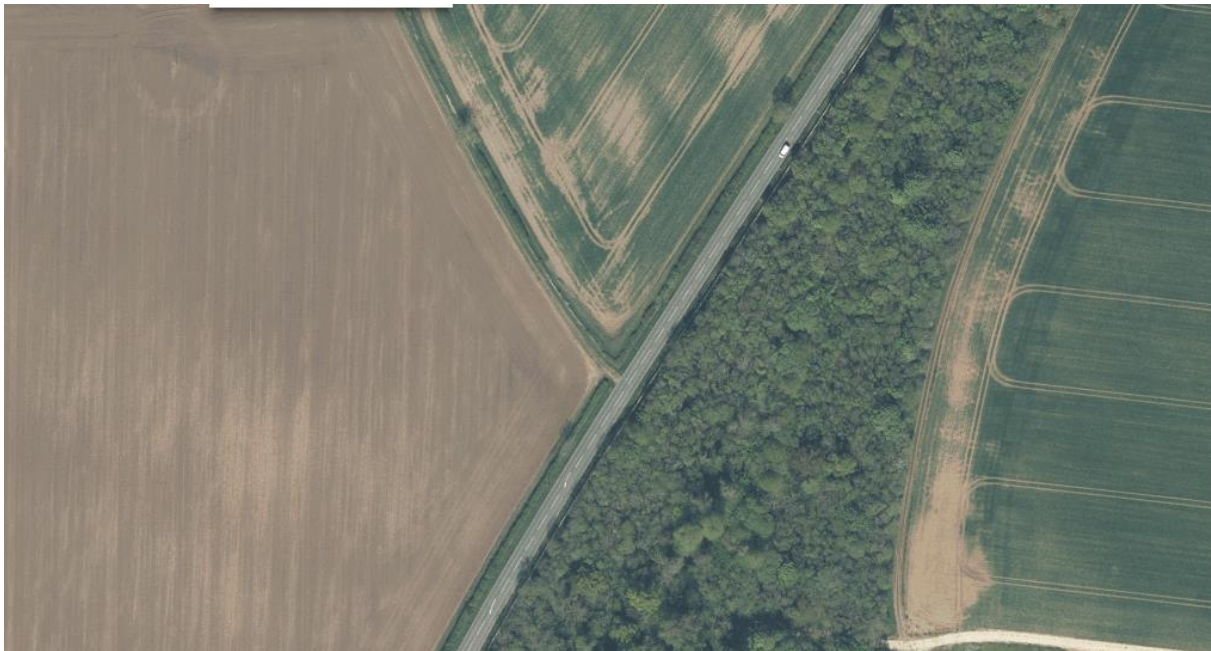
The NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Concerns have been raised that the proposal would result in an impact on highways through road closures, for example during the course of laying the cable. These concerns are acknowledged. The laying of underground cables and the connection to the National Grid would involve works within the existing highway and the crossing of highway structures, for which appropriate licences would be required. However, this would be only for a temporary period of time during the construction phase.



Construction traffic route

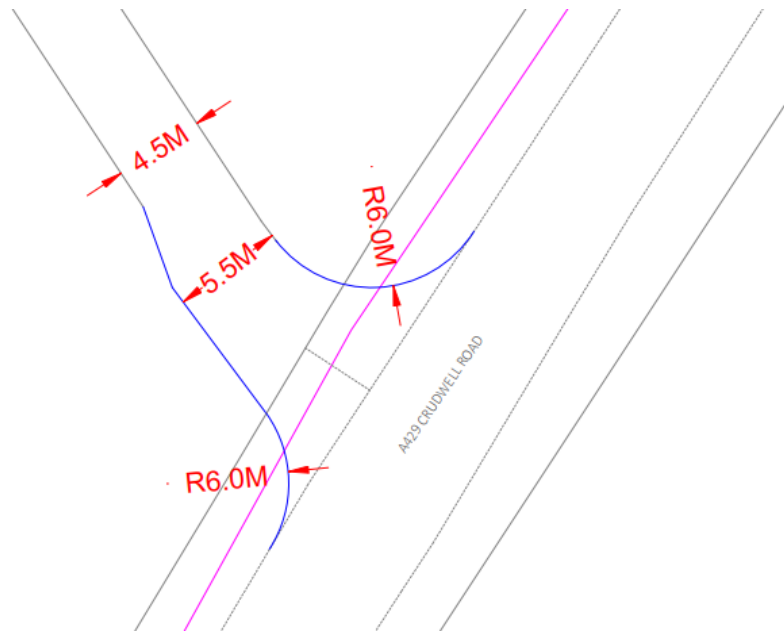
It is proposed that all traffic to the site would be routed from the south, via the M4 and extending northbound on the A429, ref. construction traffic route plan above. The proposed routing of construction traffic would utilise the existing strategic lorry routes via the A429. The construction of the proposed solar farm is stated to be carried out within a period of four months.



Aerial photo of existing agricultural access

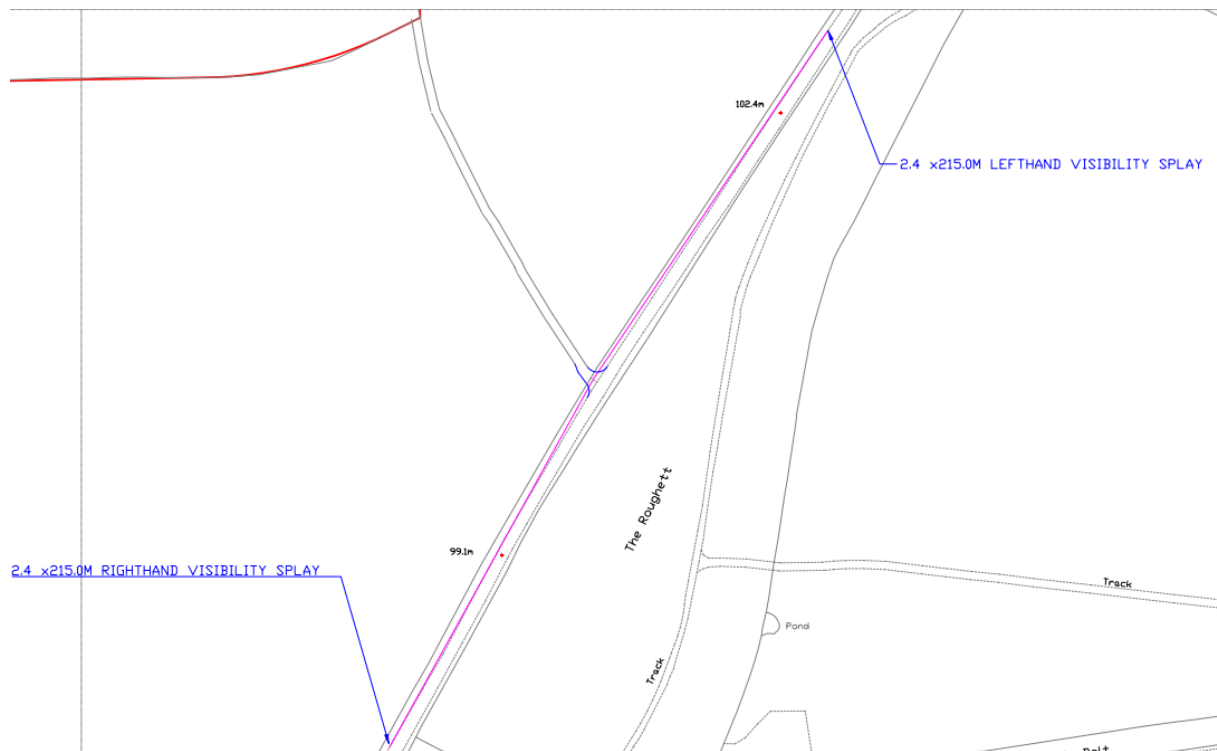
The responses from the highway officer raise no objection to the proposal. It is recognised that the TS and the Planning, Design & Access Statement (PDAS) indicate the proposed

means of access to serve the site, both during construction and for the subsequent operational stages, to be via an existing agricultural access point / field gate off the A429 Crudwell Road (ref. aerial photo above).



Proposed access dimensions

The proposed improvements to the access are as shown within the 'proposed access dimensions' plan above. The proposed access will allow for vehicles to enter and exit the site safely in a forward gear and will have visibility splays provided for it (ref. Proposed access – visibility splays plan below) of 215 m in either direction pursuant to highways requirements for the speed of road at this point.



Proposed access – visibility splays

The access to the grid connection infrastructure would be via an existing farm track to the west of Oaksey Road. Whilst it is accepted that the frequency for access to the proposed sub-station would be limited, details of the intended form of access, including the construction and available visibility, will need to be approved, as a condition of any approval.

The applicant has based the anticipated traffic generation, during the construction phase, on experience of other solar farms detailing the highest intensity of deliveries take place over a six-week period which involves the preparation of the site, installing the temporary access polyethylene matting, erection of security fencing, assembly and erection of the PV strings, installation of the inverters/transformers and grid connection.

The working hours are suggested as being Monday to Friday 07:00-19:00, requiring a maximum of up to 40 construction workers during peak times. A construction compound would be provided to accommodate storage, parking for contractors and turning for HGVs.

In order to reduce the number of contractor vehicle movements, it is envisaged that some non-local workforce would stay in accommodation locally and then be transported to site by minibuses. The construction period would require the delivery of materials and equipment by HGV (maximum 16.5m long articulated vehicles), and the anticipated number of vehicles over a 6 week period has been set out as 241 deliveries (482 two-way movements), which equates to around eight deliveries (16 movements) per day, of which 115 (230 two-way movements) would be made by 16.6 m articulated vehicles.

The conditions identified by the highway officer are considered reasonable and necessary, and it is therefore recommended that they are imposed on any permission given. With such conditions in place, it can be concluded that there would be no detrimental impacts to the highway network or to highway safety in general.

Given that it has been demonstrated that vehicle movements to and from the site by construction traffic can be appropriately managed, and the transport assessment has set out a clear indication of the numbers of construction and delivery vehicles required to facilitate the development, it is considered that the impacts of the construction of the development would not result in a severe impact.

In light of the above, it is considered that the proposal would not have an adverse impact on highway safety and that it would accord with Core Policies 42, 60, 61 and 62 of the Wiltshire Core Strategy.

10. Conclusion (The Planning Balance)

The proposed development is for the installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery-based electricity storage containers and ancillary infrastructure. It is considered that the proposed development is sustainable development that will make a significant contribution to the supply of renewable energy helping to reduce carbon emissions required to meet the Climate Change Act 2050 net zero target and Wiltshire's own commitment to being carbon neutral by 2030. The government's energy security strategy, published in April, contained various measures to deal with the UK's energy crisis and achieve its net-zero targets, including a pledge to ramp up solar power capacity from 14 gigawatts (GW) to 70GW by 2035. To place in perspective, 49.9MW is equivalent to 0.0499GW.

Comments relating to providing community benefits through the proposed scheme are acknowledged. However, such contributions cannot be captured within the decision making

process of this planning application and no real weight can be afforded to this potential community benefit or lack of.

The submitted Transport Assessment clarifies that it is expected that there would be a maximum of around eight large vehicles per day accessing the site (i.e. eight arrivals and eight departures) over the six-week period when deliveries would occur. There would also be construction workers arriving at the site first thing in the morning and departing in the evening, although the numbers involved are forecast to be relatively low on a day-to-day basis. The level of traffic during the temporary construction phase is not considered to be material and it is considered that this would not have an impact on the safety or operation of the local highway network. The swept path analysis undertaken has demonstrated that the proposed arrangement is suitable and all turning, access, egress and parking manoeuvres can be performed safely.

It is acknowledged that during the construction period there could be some conflict between the existing residents / users of the local highways and the proposed construction traffic. However, such disruptions would be only for a relatively short period of time and there would be measures in place to minimise the degree of impact and inconvenience. With conditions in place, it can be concluded that there would be no detrimental impacts to the highway network or to highway safety in general.

It is recognised that the greater impact on the amenity of the area would occur during the construction phase, for example through likely noise and increase in traffic impacts. In the long-term the potential for impact from glint and glare is considered negligible, requiring no mitigation.

It is considered that the proposed development can be undertaken without having an adverse impact on protected species or their habitat. The proposed scheme includes the introduction of green infrastructure and habitat creation and conclusions reached include an ecological enhancement through biodiversity net gain.

Subject to condition, the ecologist is satisfied that in combination, the measures proposed would ensure that the site retains the functionality of its habitats for wildlife. It is considered that the acknowledged benefit of the additional planting, which would remain after the end of the limited period, should be accorded significant weight and accordingly the unchallenged Biodiversity Net Gain is a further substantial benefit that is accorded weight in this scheme.

It is considered that the proposal would not result in a harmful loss of agricultural land and that it would not conflict with Local Plan policy. The temporary loss of grade 3a, 3b and 4 agricultural land is not contrary to the policies as set out within the development plan and the framework and the benefits through the provision of a solar farm generating renewable energy in this location are considered to outweigh the temporary loss of this agricultural land. As such, the effect on and potential loss of agricultural land affords neutral weight in the planning balance.

Independent resources confirm that ground-mounted solar panels currently cover just 0.1% of all land in the UK. Further, even with government plans to significantly scale up solar in line with its net-zero target, it is expected to bring this up to just 0.3% of the UK land area. This is the equivalent to around 0.5% of the land currently used for farming and roughly half of the space taken up by golf courses.

The greatest visual changes arising from the proposed development would be localised, registered by the nearest receptors along the A4239. However, it is agreed with the LVIA findings that no significant major adverse landscape or visual effects are likely to result from

this development proposal apart from the obvious temporary change to the character and land use of the site itself resulting from the corresponding temporary loss of green field countryside. Whilst impacts on the landscape are acknowledged, which is unsurprising given that national and local policy recognise that large scale solar farms may result in some landscape and visual harm, the conclusions reached are that the impacts would not be significant. The topography of the land, existing screening and landscape mitigation lead to very limited and highly localised landscape and visual effects, and these would be progressively mitigated by additional planting. These factors lead to the conclusion that the proposal would not conflict with local or national policy.

Further archaeological investigation would be required and this can be controlled through condition. The scheme is for a temporary change, albeit for 40 years, and it is intended that in the future the land would be restored through the decommissioning process. The proposed development would also provide local employment in the form of construction jobs and contribute to the economy which is afforded moderate weight as a benefit of the scheme.

At its core, planning is about comparing the benefits of a proposed development with the harm it would cause. Very rarely are developments entirely without harm, or entirely without benefit. The role of the planner is to identify the benefits, identify harms and weigh them all up to arrive at a decision. The more important an impact, the more weight it is given in the overall planning balance.

It is considered that the principle of the proposed development is in accordance with current national and local planning policies, which are supportive of renewable energy schemes. The proposal is a large scheme that would provide a valuable contribution towards cutting greenhouse gas emissions. This attracts considerable weight in the overall planning balance, along with other benefits such as the ecological enhancements and biodiversity net gain that would be secured by the development, and associated local economic benefits associated with the construction phase.

Once the appropriate policies in the development plan have been identified along with any relevant material considerations, it is time to reach a decision. That is done by deciding what weight should be afforded to each of those issues, and seeing where the overall balance lies. The National Planning Policy Framework provides some guidance on what weight should be given to different factors. In some cases it even goes so far as to suggest the exact weight those factors are given in the decision making process. For example, it explains that any harm to the Green Belt should be given “substantial weight”. However, the judgement of the decision maker is very important. It is a fundamental principle of the planning system that the weight to be afforded each issue is solely a matter for the decision maker. Their task is simply to consider all the relevant factors in reaching that decision.

That means it is perfectly possible for different people to reach different conclusions regarding the same development proposal. When a planning application is being prepared, it is therefore crucial that time is spent to make sure that the benefits of the proposal are maximised as much as they can be, while any harms are minimised as far as possible. The application should also clearly set out what the development plan says, what the material considerations are, and the weight that should be given to each.

Whilst the scheme will lead to a degree of negative impact, the impact must be balanced by the benefits which would accrue from a renewable energy generator leading to less reliance on carbon. The proposed development would make a significant contribution towards Wiltshire’s renewable energy target and as such it is considered that the overall environmental benefits associated with the proposal outweigh any very limited harm. The proposal involves the use of temporary structures and a condition can be used to ensure that the installations are removed when no longer in use and that the land is restored to its previous use.

It is therefore considered that on balance the public, environmental and economic benefits of the proposal outweigh the limited harm identified. It is therefore recommended that the application is granted permission subject to conditions to manage the detailed elements of the development and secure ongoing monitoring where appropriate.

RECOMMENDATION

Having taken into account the environmental information, it is recommended that planning permission is granted, subject to the conditions set out below:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 45 years from the date of this decision, whichever is the soonest. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be submitted to the local planning authority not less than six months before the removal of the installation.

REASON: In the interests of amenity and the circumstances of the use and to ensure the long-term management of landscape and ecological features retained and created by the development and in the interests of the significance of the heritage assets and their setting.

3. The development hereby permitted shall be carried out in accordance with the following approved plans and details:
 - SITE LOCATION PLAN 20.09_100 REV E
 - SITE BLOCK PLAN – PROPOSED 20.09_301 REV F
 - SITE BLOCK PLAN (DNO AREA) – PROPOSED 20.09_302 REV D
 - TYPICAL BATTERY STORAGE UNIT – DETAIL
 - Tree Constraints Plan - 10693 TCP 05_Bishoper Farm (1/12)
 - Planning, Design and Access Statement – March 2021
 - Appendix 4.2A - Outline Landscape and Ecology Management Plan – November 2022
 - Archaeological Evaluation - CR1155_1 October 2022
 - Transport Statement - 16423-HYD-XX-XX-RP-TP-4001-P1 – March 2021
 - Flood Risk Assessment - 16467-HYD-XX-XX-RP-FR-0001 – January 2021

- Solar Photovoltaic Glint and Glare Study - 10088A
- Arboricultural Technical Note – March 2023

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

4. The development hereby approved shall be carried out in strict accordance with the following plans/reports:

- Figure 1: Ecological Mitigation and Enhancement Plan. Rev. 1. Ref: 1098-EMEP-F1 (GE Consulting, 23/03/2021).
- Tree Constraints Plan (Aspect Arboriculture, March 2023).
- Arboricultural Technical Note (Aspect Arboriculture, March 2023).
- Tree Schedule (Aspect Arboriculture, March 2023).
- Tree Protection Plan (Aspect Arboriculture, March 2023).
- Environmental Statement Volume 1: Chapter 6.0 Ecology and Nature Conservation Rev. 1. (Savills, March 2021).
- Appendix 4.3 Great Crested Newt Survey Addendum Report -1098 – GCN – CB (GE Consulting October 2022).
- Appendix 4.4: Bat Automated Detector Survey Addendum Report – 1098-BAT-RP (GE Consulting October 2022).
- Appendix 4.5 Ecological Monitoring Strategy – 1098 -EMS-RP (GE Consulting, November 2022).

REASON: To ensure compliance with planning policy and secure the protection and mitigation for the habitats and species recorded.

5. No development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

6. 'No development shall commence within the area indicated by application 20/08618/FUL until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to enable the protection of any matters of archaeological interest.

INFORMATIVE: The work is to be carried out following the standards and guidelines for Strip, Map and Record excavations as set out by the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be met by the applicant.

7. No development shall commence within the area indicated by application 20/08618/FUL until:

An Archaeological Management Plan, setting out how the archaeological exclusion zones are to be scoped out of the development and then protected from impacts during the developmental and operational phases of the proposals, has been submitted to and approved by the Local Planning Authority

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to enable the protection of any matters of archaeological interest.

INFORMATIVE: The AMP is to be prepared by qualified archaeologists following the standards and guidelines of the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be borne by the applicant.

8. Prior to the commencement of works, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

9. Prior to the commencement of works, including ground works/excavation, site clearance, vegetation clearance and boundary treatment works, an Ecological Construction Management Plan (EcCMP) shall be submitted to the local planning authority for approval in writing. The EcCMP shall include a marked up plan showing details of biodiversity protection zones for the main site and the sub-station/DNO site and shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:
 - a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
 - b) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the preconstruction/construction related elements of strategies only.
 - d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
 - e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved EcCMP.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

10. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- dimensioned stand-off distances from new development to important retained landscape features such as hedgerows and watercourses.
- a detailed planting specification and plan showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure. Security / deer proof fence layouts must not isolate existing areas of woodland or hedgerows and watercourses. The security fencing shall maintain functional green infrastructure connectivity for larger wildlife species to pass through the solar PV site.
- Location of temporary car park and storage area/s;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. containers, storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

11. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11. No development shall commence on site (including any works of demolition), until a Construction MANAGEMENT Statement, together with a site plan, which shall include the following:

1. the parking of vehicles of site operatives and visitors;
2. loading and unloading of plant and materials;

3. storage of plant and materials used in constructing the development;
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
5. wheel washing facilities;
6. measures to control the emission of dust and dirt during construction;
7. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
8. measures for the protection of the natural environment.
9. hours of construction, including deliveries;
10. pre-condition photo survey

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order to minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

13. No development, at the Solar Farm area at Crudwell Road, shall take place until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

14. No development, at the Solar Farm area at Crudwell Road, shall take place until details of a consolidated and surfaced vehicle access, has been submitted to and approved in writing by the Local Planning Authority. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

15. No development, at the Solar Farm area at Crudwell Road, shall take place until details of a consolidated and surfaced vehicle turning space for post-construction purposes has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that turning space has been completed in accordance with the approved details. Such turning space shall always thereafter be retained and kept clear of obstruction.

REASON: To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

16. No development, at the Grid Connection compound, shall take place until details of the visibility splays have been submitted to and approved in writing by the Local Planning Authority. Such splay will have no obstruction to visibility at or above a height of 900mm above the nearside carriageway level, and shall thereafter be maintained free of obstruction at all times.

REASON: In the interests of highway safety.

17. No development, at the Grid Connection compound, shall take place until details of a consolidated and surfaced vehicle access has been submitted to and approved in writing by the Local Planning Authority. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

18. No development, at the Grid Connection compound, shall take place until details of a consolidated and surfaced vehicle turning space for post-construction purposes has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be first brought into use until that turning space has been completed in accordance with the approved details. Such turning space shall always thereafter be retained and kept clear of obstruction.

REASON: To enable vehicles to enter and leave the site in forward gear in the interests of highway safety.

19. No construction or operational artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and in the interests of conserving biodiversity.

20. Notwithstanding the details hereby approved, the finished colour for all cabins, substation containers, fencing and any other structure that forms a part of this development shall be finished in a dark green (RAL 6007) and shall be maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the area.

21. Within three months of the end of the construction phase a compliance report shall be submitted to the local planning authority. The report shall detail all works overseen by the ecologist/EcoW and all compliance checks undertaken as detailed in the Ecological Construction Management Plan by the competent person prior to, during and post-completion of construction works. Associated dates of visits to site shall be stipulated in the compliance report and photographic evidence shall be provided.

REASON: To ensure works are undertaken in strict accordance with an approved plans prior to and during construction, and that works are conducted in line with current best practice and are supervised by a suitably licensed and competent professional ecological consultant/ECoW where necessary.

22. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

23. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed by a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives:

21. Informative

- Flows from solar farm sites should be restricted to the greenfield rates and volumes for equivalent storm events for all return periods up to the 1 in 100year event.
- If a formal outfall to a watercourse / sewer is provided, any increase in discharge rates as a result of climate change shall be attenuated on site.
- It will not be acceptable for a solar farm site to increase discharge rates above greenfield rates.
- The drainage proposal take opportunities available for improving the character and quality of the area through the provision of amenity, biodiversity and climate change resilience in accordance with the National Planning Policy Guidance
- SuDS should be selected to provide source controls, and treatment / management “trains” throughout the site. Applicants should use multiple features around the site and avoid relying on single site-wide features (wherever possible) in order to provide the required levels of water quantity / quality management.

22. Informative:

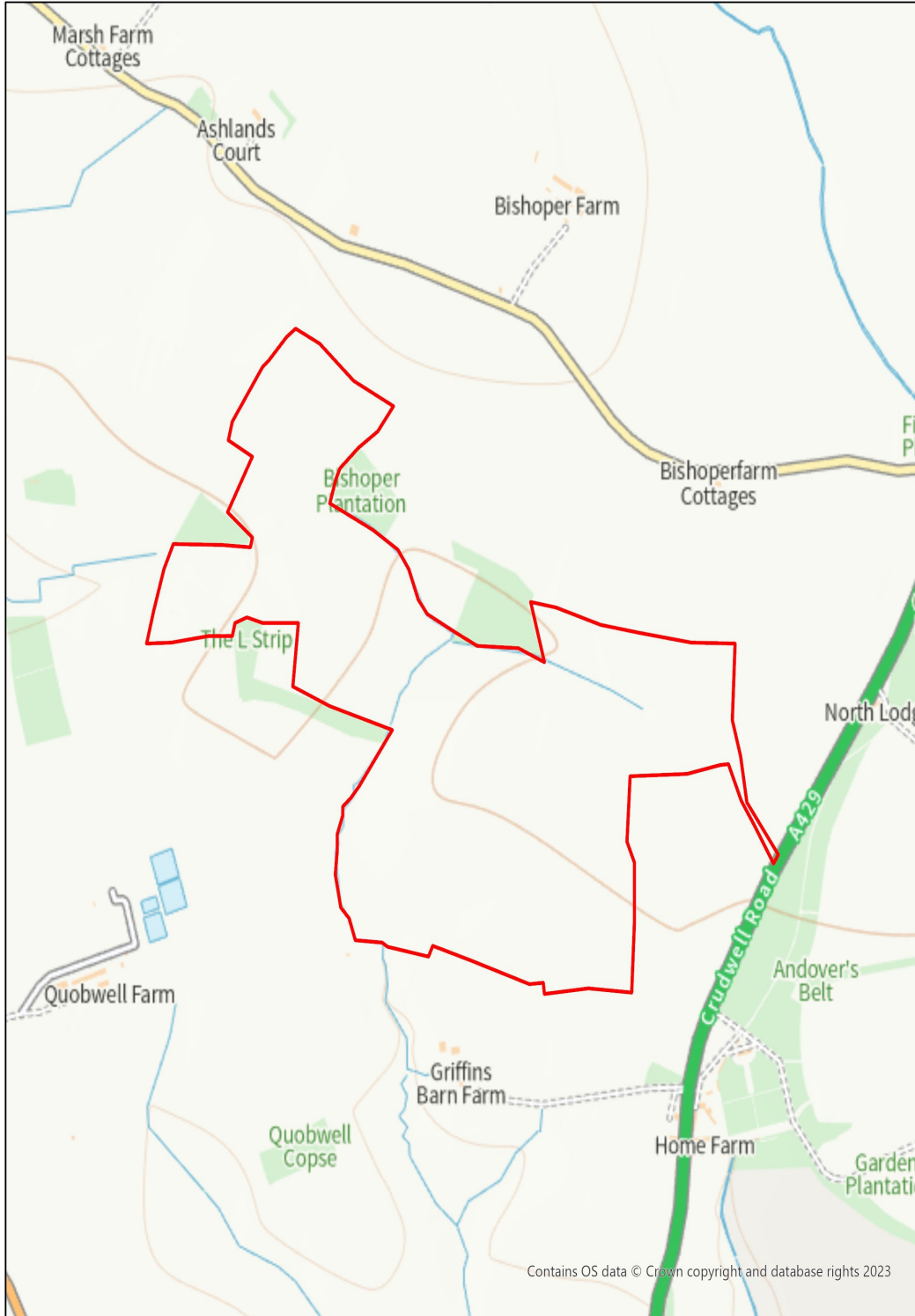
The drainage strategy should discuss how the erosion risk from a sheet flow off panels will be managed in order to prevent erosion of channels over time, which could concentrate and direct surface water runoff. It is noted that most solar farms may be largely permeable, and Section 5.2 of the FRA does state:

Whilst it is accepted that there may be a concentration of run-off from the bottom edge of the panels (albeit the likelihood of this is minimised as a result of the vertical and horizontal gaps between the panels, as shown in Figure 4), any rainwater unable to infiltrate at that point will flow across the ground between the proposed panel rows and beneath the downslope rows and infiltrate there as per the existing ‘natural’ situation, i.e. the same surface area will be available for infiltration compared to the pre-development situation. This arrangement will ensure that existing drainage patterns will not be altered, and therefore that flood risk is not increased off-site.

The LFA requires that overland flows will still need to be managed to prevent discharge and increase in flood risk to 3rd party land. It is anticipated that for solar farms, overland / exceedance flows will be captured and conveyed in linear features such as swales / ditches.

1. The applicant is required to submit greenfield runoff rates, to be calculated using one of two methods:
 - Flood Estimation Handbook (FEH); or
 - Institute of Hydrology Report 124 (IH124) based on Flood Studies Report (FSR)

2. The applicant should submit calculations to demonstrate that the any SuDS features provide sufficient water quality treatment to prevent pollution of receiving watercourses / groundwater.
 3. It is noted that solar panels are not listed in the SuDS Manual – for the purposes of analysis, Solar Panels should be assessed as being like roofs. Roads should continue to be assessed as per normal, based on guidance in the CIRIA SuDS Manual.
 4. The applicant should demonstrate that NFM principles have been applied as far as reasonably practicable in accordance with CIRIA C802, in order to manage surface water runoff from the site.
 5. The application is to provide a robust land management plan which should include checklists and details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified
23. Informative:
Groundwater Protection - The site falls within a groundwater Source Protection Zone 1 (SPZ 1). This is a zone of protection surrounding a nearby drinking water borehole, which is highly vulnerable to pollution. It therefore requires careful protection from contamination. Further information on SPZs can be found at <http://www.environment-agency.gov.uk/homeandleisure/37833.aspx> This will particularly be the case during the construction phase.
24. Informative:
Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
 - wheel washing and vehicle wash-down
 - oils/chemicals and materials
 - the use and routing of heavy plant and vehicles
 - the location and form of work and storage areas and compounds
 - the control and removal of spoil and wastes.
25. Informative:
The application may involve the creation of a new vehicle access/dropped kerb to Oaksey Road. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at <http://wiltshire.gov.uk/highways-streets> to make an application.



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Report No.

Date of Meeting	16 August 2023
Application Number	PL/2022/09532
Site Address	Land at Romsey Road, Whiteparish, Salisbury, Wilts
Proposal	Outline application (all matters reserved except external access) for residential development of up to 25 dwellings with access to Romsey Road, parking, opens space, landscaping and drainage
Applicant	Macra Ltd.
Town/Parish Council	Whiteparish Parish Council
Electoral Division	Alderbury and Whiteparish – Cllr Richard Britton
Type of application	Outline
Case Officer	Lynda King

Reason for the application being considered by Committee

The application has been called to Committee as it represents a significant departure from the policies of the development plan, and which is recommended for approval.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The main issues which are considered to be material in the determination of this application are listed below:

- Principle
- Highway Safety
- Drainage
- Layout and Housing Mix
- Ecology
- S106

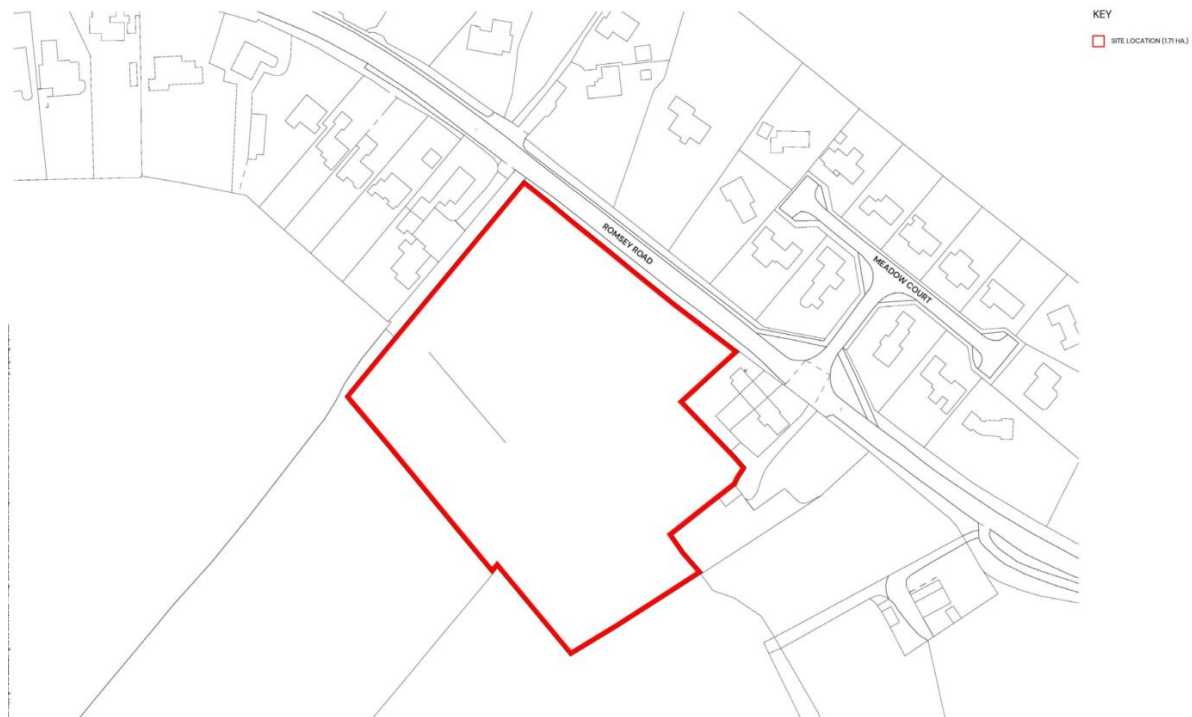
The application has generated an objection from Whiteparish Parish Council, which was qualified and will be referred to later in the report, as well as 26 letters of objection and 6 of support from third parties.

3. Site Description

The site lies on the eastern edge of the village of Whiteparish, to the south of the Romsey Road (A27) which passes through the settlement.

It consists of a grassy field, which gently slopes downward in a south-westerly direction. The land level is slightly higher than the adjacent main road, and there is a substantial hedge along the field edge. To the east and north-west are residential properties and there is a small cul de sac of 14 large dwellings known as Meadow Court to the north-east across the Romsey Road.

The site contains a small number of trees on what look to be old hedgerow lines, as well as an area of scrub. Hedgerows also define the boundaries adjacent to the neighbouring dwellings. There is a low voltage power line that crosses the site from north to south. Running parallel to the north-south boundary adjacent to the two dwellings to the west is a Public Right of Way (footpath WHIT7), which lies outside of the application site. There is a bus stop on the north side of Romsey Road, along with a footpath that runs into the village centre.



Location plan

4. Relevant Planning History

S/1984/0625 – Outline 13 detached dwellings, access and garages. Refused 27.06.1984. Appeal dismissed.

S/1986/0833 – Outline 19 dwellings with garages and construction of estate road and access. Refused 17.06.1986. Appeal withdrawn.

5. The Proposal

This application, which is in Outline with all matters reserved except for access, proposes the construction of up to 25 dwellings with access off Romsey Road, and associated parking, open space, landscaping and drainage.

6. Local Planning Policy

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

NPPF - Paragraph 11 sets out the presumption in favour of sustainable development.

Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Relevant NPPF sections include:

Section 8 – promoting healthy and safe communities

Section 11- making effective use of land

Section 12- achieving well-designed places

Section 14 – Meeting the challenge of climate change, flooding and coastal change

National Design Guide (2021)

Manual for Streets 2 (2010)

Wiltshire Core Strategy:

CP1 – Settlement Strategy

CP2 – Delivery Strategy

CP3 - Infrastructure Requirements

CP23 – Spatial Strategy: Southern Wiltshire Community Area

CP43 – Affordable Housing

CP45 – Meeting Wiltshire's housing needs

CP50 - Biodiversity and Geodiversity

CP51 - Landscape

CP57 - Ensuring High Quality Design & Space Shaping

CP60 - Sustainable Transport

CP61 - Transport & Development

CP62 - Development Impacts on the Transport Network

CP64 - Demand Management

CP67 – Flood risk

Wiltshire Housing Site Allocations Plan (2020)

7. Summary of consultation responses

Whiteparish Parish Council – Support (caveated)

..... resolved, with 7 councillors in support and 1 against, to comment that they are aware the development is contrary to provision of policies CP1, CP2, CP23, CP51, CP57, CP60 and CP61. However, given the need in Whiteparish for more affordable housing the Parish Council would be prepared to support this scheme providing the level of affordable housing is increased to a minimum of 50%. This would potentially enable the village school and other

local businesses to become more sustainable. Should such a change in the development balance between market and affordable housing not be forthcoming the Parish Council will not support further planning applications on this site.

WC Archaeology – No objections, subject to condition, following the receipt of a geophysical survey of the site.

WC Climate Change – continues to encourage the applicant to be more ambitious in their approach to the NPPF's aims of delivering sustainable development, tackling climate change and radically reducing greenhouse gas emissions.

WC Drainage – The application has been supported with a Site Specific Flood Risk Assessment, and subject to conditions no objection is raised.

WC Ecology – No objection to additional submitted material, subject to conditions and the need for a legal agreement to secure the necessary mitigation for the additional nitrogen burdens from the development. This equates to £227,700

WC Education – No requirements for contributions towards Early Years or Primary educational needs. Evidence shows the availability of 66 places in the All Saints CE Primary school, compared to an overall capacity of 147 places. There is a requirement towards the provision of Secondary Education at Trafalgar School in Downton of £114,700 to be secured by legal agreement.

WC Highways – No objection subject to conditions.

WC Housing Enabling Team – Core Policy 43 of the Wiltshire Core Strategy (as amended by the National Planning Policy Framework) sets out a requirement for 40% on-site affordable housing provision within the 40% Affordable Housing Zone, on all sites of 10 or more dwellings. There is therefore a requirement to provide 10 affordable units within a scheme of 25 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing. The proposal to provide 10 affordable housing units therefore meets the policy requirement.

WC Public Open Space – No objection to the amount of open space shown to be provided on site. In addition, there is a requirement for a contribution towards off site sports space of £17,100 to be secured via a legal agreement. Details of how the on-site play space will be managed in perpetuity with also be covered in the legal agreement.

WC Public Protection – No objection, subject to conditions regarding noise assessments due to proximity of A27.

WC Rights of Way – no comment received.

WC Spatial Planning – The proposal is not supported in principle as it does not accord with the strategy and pattern of development anticipated by the WCS. Therefore, from a strategic policy perspective, the proposal does not constitute sustainable development and would conflict with the principal aims of the National Planning Policy Framework.

Other material considerations may apply, the most pertinent of which is the current housing land supply position. Whilst the Council is unable to demonstrate a 5YHLS, careful consideration should be given to decisions on housing proposals. This means balancing the need to boost housing supply against any adverse impacts of the proposal, considered against the development plan as whole, and any material considerations, on a case-by-case

basis. This will need to include consideration of what weight to assign to the most important policies.

WC Urban Design – Object. The design would not accord with Core Policy 57.

WC Waste and Recycling – no objection subject to condition and contribution to be collected via S106 of £2,525.

Wessex Water – No objection.

8. Publicity

This application was advertised through a site notice and letters to neighbouring properties.

26 Letters of objection were received raising the following issues:

- The site is outside the currently defined settlement boundary of Whiteparish, and therefore is contrary to the Core Strategy, particularly CP1, CP2, CP23, CP51, CP57, CP60 and CP61.
- The location of the access is not safe
- There is a range of wildlife that uses the site and the immediate area
- Concerns about the capacity of the local sewage system to cope with additional housing
- Over development of the site.
- Overlooking of existing dwellings to the north, and also blocking their light.
- Village facilities such as the Doctor's Surgery are already oversubscribed.
- Village has little public transport so the development will result in more cars on the road.
- The land is prone to being waterlogged.
- The development would lead to the loss of valuable agricultural land.
- There is no footpath on this side of the A27.
- Is there adequate space for all the car parking to be on site, not on the A27.
- The 30mph speed limit on the A27 in the vicinity of the site is not adhered to.
- If the verges and recreation area are re-wilded then they may be a fire risk in the summer.
- A similar application was refused on appeal in 1984, and an application refused in 1986 and the same reasons apply today.
- Concern about the loss of habitat for both flora and fauna.
- There are brown field sites that could be used instead.
- Strain on local infrastructure, including the school.
- There is no parking in the village to serve the school or shop and parents would take their children to school by car as the footpaths are inadequate.
- The existing power line that crosses the site would have to be re-located.
- The electricity demand will increase due to the need for charging points and heat pumps, which will be noisy.
- Overspill parking from the site could take place in Meadow Court.
- Design will be out of keeping with this edge of settlement location.
- The train station at West Dean can only be reached by car.
- Affordable housing is in the wrong part of the village.
- Who will pay to maintain the open space and play equipment on the site? The village has sufficient play areas and sports facilities at the moment.
- The development will lead to light pollution.

6 letters of support were received, raising the following points:

- Affordable housing is needed so that young people can stay in the village
- New residents will be able to support the village facilities such as the shop, school pubs etc. All these facilities could be in danger of shutting.
- School numbers are dropping and the school could be in danger of shutting.
- Detailed letters of support have been submitted by the Headteacher and the Chair of Governors of the local school explaining that the school is currently in a vulnerable position due to falling pupil numbers and it is considered that the development of family housing would in fact greatly benefit the school in terms of pupil numbers and sustainability moving forward.
- The price of the average house in the village is out of the range of most local young people and the provision of affordable housing would allow people to live locally, get on the housing ladder, and for those houses to continue to benefit the local community.
- The lack of affordable housing in pushing local people out of the village.

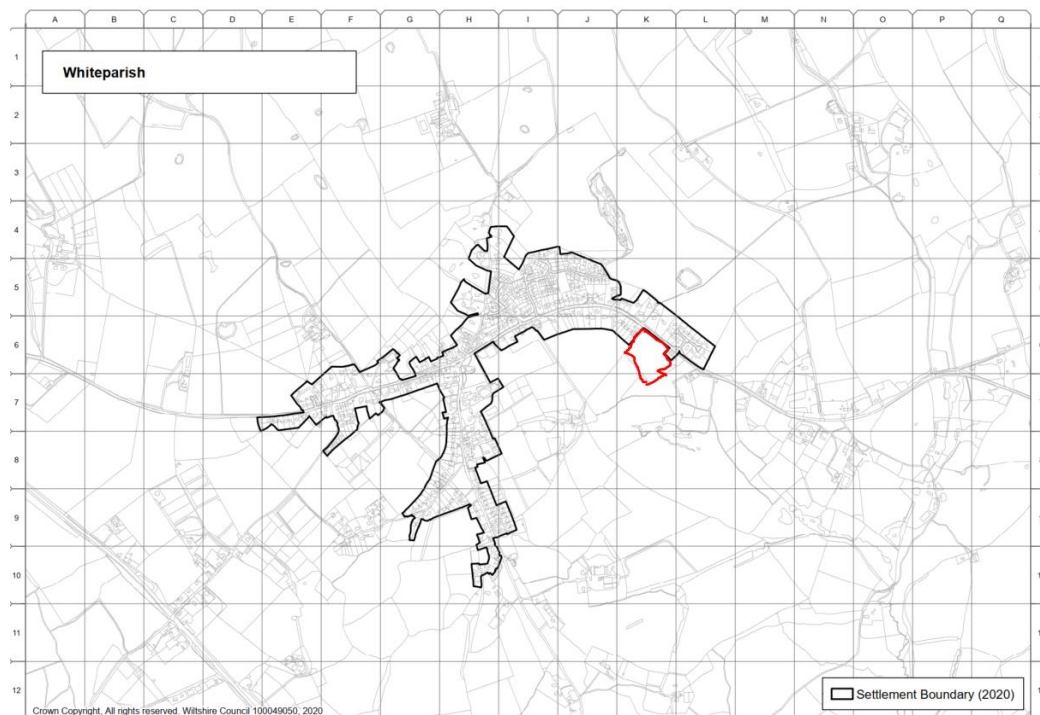
Salisbury and Wilton Swifts - require the installation of swift bricks and bat roosting features as part of the development.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

9.1 Principle of development

The application site lies outside of the settlement boundary of Whiteparish, as defined in the 2020 Wiltshire Housing Sites Allocations Plan, shown on the plan below:-



The village is defined as a Large Village in Policy CP23, and Policy CP2 states that within the limits of development, as defined on the Policies map, there is a presumption in favour of sustainable development in such a location, which is limited to that needed to help meet the housing needs of the settlements and to improve employment opportunities, services and facilities. (CP1).

The supporting text for CP1, at para 4.15 of the Core Strategy, comments that:-

At Large Villages settlement boundaries are retained and development will predominantly take the form of small housing and employment sites within the settlement boundaries. These settlement boundaries will also be reviewed as part of the Housing Sites Allocations DPD as set out in the council's Local Development Scheme, in order to ensure that they remain up to date and properly reflect building that has happened since they were first established. Small housing sites are defined as sites involving fewer than 10 dwellings (i.e. not a major application).

Therefore, this proposed development is contrary to the provisions of the current Development Plan as it lies outside of the settlement boundary of the settlement and is of a scale not normally considered appropriate within a Large Village. The implications of this policy position with regards to the considerations to be given to such an application where the Council cannot demonstrate a 5 Year Housing Land Supply situation are discussed in more detail in the section on the Planning Balance below.

9.2 Highway safety

The Council's Highways Officers have commented that the site is located outside of the existing village policy boundary and the proposal is therefore considered as contrary to the sustainability policies contained in the Wiltshire Core Strategy (Core Policies 60 and 61) and the National Planning Policy Framework 2019 (Section 9, paras 102, 103, 108 & 110), which aim to reduce the need to travel particularly by private car and encourage the use of sustainable transport alternatives. However, it is acknowledged that a policy objection may not be appropriate in this instance.

The proposed point of access will be located within the 30mph speed limit, the speed limit changes to 40mph around 150m to the east of the site. The submitted Transport Statement contains an assessment of the speeds of vehicles passing the site and has resulted in a requirement for the upper most visibility splays in Manual for Streets of 2.4m by 59m in both directions. This is agreed and accepted. The splays can be achieved in land within the ownership of the applicant or highway land. There is a strip of vegetation to the west of the access which contains an oak tree which is to remain, in order to protect the visibility splay in this direction the vegetation will be cutback 0.5m behind the visibility splay. This is acceptable although it is essential that the visibility splay is maintained particularly in seasons of growth and must be conditioned accordingly.

The presence of the oak tree has influenced the route of the footway across the frontage to the west which will be setback from the edge of carriageway behind the vegetation and oak tree and re-joins the edge of carriageway further to the west. This is an acceptable layout. A footway is also proposed in the eastern direction to the existing cottages.

It is noted that the access road is shown as 5.5m in width with 2m footways continuing into the site, together with 6m junction radii.

There is no highway objection subject to a recommendation for conditions to be attached should permission be granted.

Therefore, the concerns expressed by local residents about the adequacy of the access to accommodate the development have been addressed satisfactorily by the Highways Officer. The matter of whether the site is a sustainable location for development are addressed further in this Report.

9.3 Drainage

The site lies in an area of potential for Ground water flooding, as set out in the Council's Strategic Flood Risk Assessment 2019. However, this document contains a disclaimer which in effect comments that the mapping of areas at potential risk of flooding from groundwater is indicative only and that further site specific investigations should be carried out to establish whether there is a specific risk to development from groundwater.

The site is not at risk of flooding from any other source, such as fluvial or surface water according to the SFRA, which is more robust on these areas of flood risk.

The NPPF and NPPG guidance was updated in 2021 to ensure that LPA's took account of all sources of flooding when considering planning applications for developments, such as dwellings. The guidance seeks to direct development away from areas of high flood risk, from whatever source (paras 159 and 161 of the NPPF). Paragraph 162 affirms that development should not be permitted if there are reasonably available sites with a lower risk of flooding that can accommodate the development proposed.

To establish if there are reasonably available sites with a lower risk of flooding than the application site, the applicants were required to undertake a Sequential Test, as required by the NPPF. This Test looks to see if there are any other development sites that could deliver the same quantum of development, either as part of a single large site or an amalgam of smaller sites, as proposed by the application within an area to be agreed by the LPA.

In this instance the guidance set out in the NPPG was followed, which states 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. Equally, a pragmatic approach needs to be taken where proposals involve comparatively small extensions to existing premises (relative to their existing size), where it may be impractical to accommodate the additional space in an alternative location.

Due to the acknowledged concerns expressed by the Headteacher and Chair of Governors of the local school regarding the needs of the local school for more pupils (set out in the representations submitted in respect of this application and substantiated by the Council's Education Department), it was agreed that the area of search could be the Parish of Whiteparish, which equates to the current catchment area of the school.

The subsequent Sequential Test submitted by the applicants, and examined by your Officers, concluded that there was no alternative area within the Parish, either as a single

site or a conglomeration of smaller sites, that would deliver the quantum of development proposed as part of this application.

National guidance goes on to consider that even if a site passes the sequential test, it should be accompanied by a site specific Flood Risk Assessment to establish that there is no risk of flooding without mitigation from the development.

The application is accompanied by a detailed Flood Risk Assessment which has carried out detailed analysis of the site's conditions and has concluded that there is no risk of groundwater flooding. The Council's Drainage Consultants have examined this document and its supporting information and have concluded that the development will not be at risk from any source of flooding, and that the proposals to deal with surface water from the site are acceptable, subject to conditions requiring more details at the Reserved Matters stage.

On that basis it is concluded that the development will not present a flood risk to existing or proposed residents and that no objection be raised to the scheme on flood risk grounds.

9.4 Layout and Housing Mix

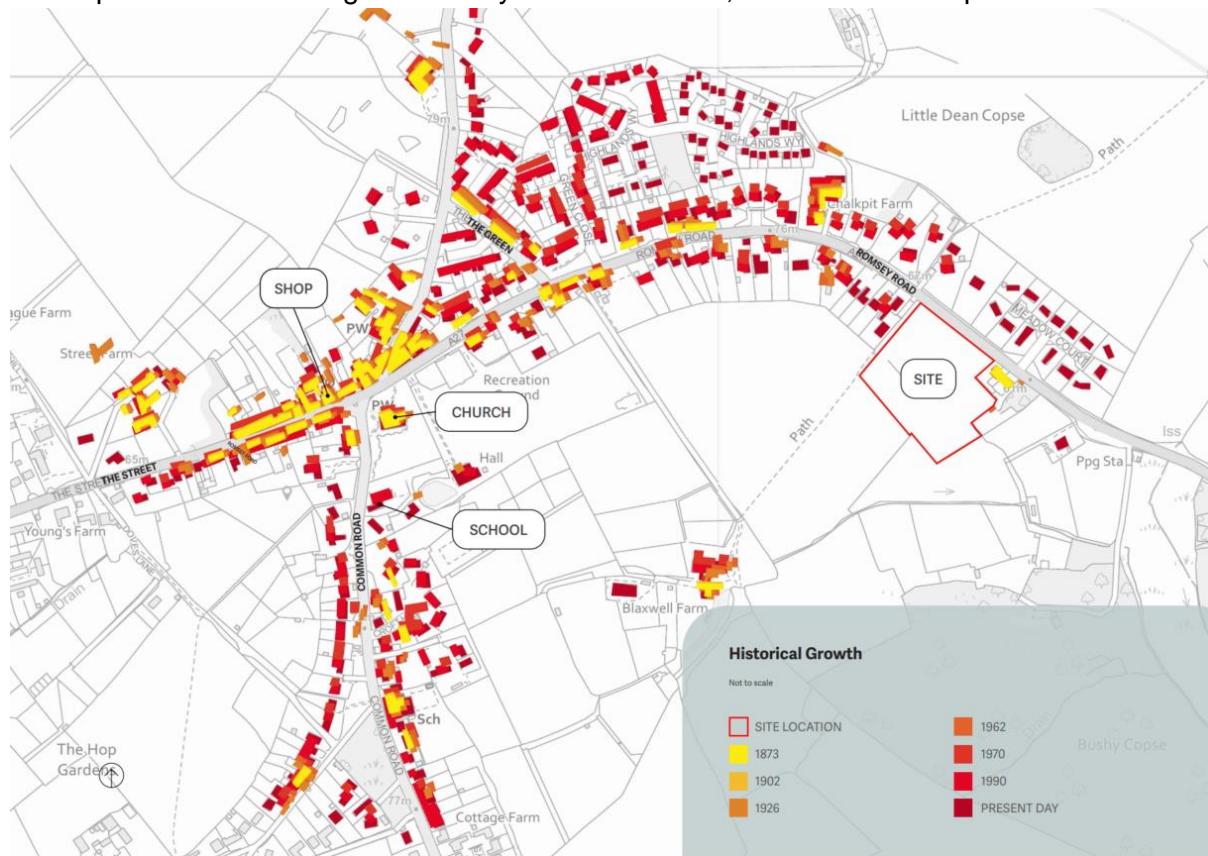
The scheme, which is in Outline only with all matters other than the point of access reserves, does contain an illustrative Master Plan. The plan, and the indicative schedule of accommodation and unit mix are set out below:-



The Council's Urban Design Officer has concerns about the proposed layout in that it is felt that a development of this scale on the edge of the village will not enhance local distinctiveness and does not relate positively to its landscape setting and the existing pattern of development, as required by policy CP 57.

The comments of the Urban Design Officer are noted. The application is accompanied by a detailed Design and Access Statement that assesses the development patterns across the whole of the village, as well as the immediate surroundings of the application site. The village historically developed in a linear fashion along the line of the Romsey Road, and later along Common Road, to the south of this road. The village continued to expand to the east and west of the village centre in the late twentieth century, including the cul-de-sac of

Meadow Court to the north of the application site. The largest area of non-linear development is around Highlands Way off Green Close, as shown on the plan below:-



The indicative masterplan of the application site, as set out at the beginning of this section, seeks to provide a layout which provides a clear landscape setting to the site on the edge of the village with the provision of an area of open space on its southern edge, where the dwellings will then face this space so as to not present the rear gardens and associated means of enclosure when viewed from the adjacent footpath, as well as structural planting within this area. The indicative layout within the site is linear in form and aligns with the existing dwellings to the south east (a terrace of bungalows) and the larger dwellings to the north west. The southern boundary of the development is to be defined by the access road serving the dwellings fronting it, which will give a clear edge to the built form in this location.

However, it should be noted that this is an outline application with all matters reserved and the final layout and form will be considered under any subsequent reserved matters application, if this outline application is approved. An informative note can be added to the decision to request that the reserved matters application closely follows the Illustrative Masterplan, and the application also includes a Parameters Plan, which indicates the areas to be developed for housing, and as areas of open space. This plan can form part of the approved plans for the scheme.

This application seeks to provide a housing mix that meets the requirements of the village, in particular the need to provide additional affordable housing, which is recognised by the comments of the Parish Council and others as lacking in Whiteparish.

Policy CP43 requires that 40% of the dwellings on the site should be affordable, and the Council's Housing Enabling Officer has confirmed that the current proposals meet the requirements of this policy, with the provision of 10 affordable units to be secured via a S106

agreement. The comments of the Parish Council, which seeks a higher proportion of the site to be affordable, are noted, but there is no policy mechanism to provide a greater proportion of the site to be affordable than is proposed by this scheme.

Policy CP45 requires that the type, mix and size of both market and affordable housing is designed to address local housing needs. The Council's Strategic Housing Market Assessment identifies that there is the greatest need for 2 and 3 bedroom properties. This application indicates that about 60% of the total dwellings will be 2 or 3 bedroom, with 80% of the affordable units being 2 or 3 bed, and 2 being 1 bed. This housing mix is compliant with the requirements of policy CP45.

9.5 Ecology

Policy CP50 requires development to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development. The application was accompanied by a Preliminary Ecological Appraisal and Construction Environment Management Plan. In addition, CP50 requires all development to seek opportunities to enhance biodiversity.

Major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. Ecological enhancements of the site are proposed, as explained within the Net Gain Assessment and recommendations within the Ecological Appraisal.

The Council's Ecologists have concluded that the proposal complies with the requirements of Policy CP50, subject to conditions to secure the details of the proposed enhancements and their implementation and retention.

The site also lies within the zone of influence for the New Forest protected sites which includes the New Forest SPA, New Forest SAC and New Forest Ramsar site. It is screened into appropriate assessment under the Habitats Regulations 2017 (as amended) on account of its potential to cause adverse effects through increased recreational pressure, which may occur alone and in-combination with other plans and projects.

The Council has adopted a mitigation strategy for the above impacts, and it has been concluded that this development will comply and deliver the required mitigation via CIL, and that the scheme will not lead to adverse effects on the New Forest Protected sites.

The application site is located within/adjacent to the statutorily designated (Mottisfont Bat SAC –Barbastelle 7500m SAC Parcel Buffer). A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This concluded that, given the scale and nature of the development combined with the bat survey results and separation of more than 6km between the closest SAC unit, there is no mechanism for adverse effect/any temporary construction impacts and operational impacts would be de-minimus. This test of significance has been undertaken using the outline application. Given the layout at RM may differ the HRA for the Mottisfont Bat SAC will be repeated at that stage.

The site also lies within the River Test Catchment, and whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test

catchment which drains into the Solent. This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, Portsmouth Harbour SPA and Ramsar site, Solent and Southampton Water SPA and Ramsar site; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area (Guidance dated June 2020) from the increase in waste water and land use change. Accordingly, the Local Planning Authority considers this proposal is likely to lead to significant effects on the European Sites and an Appropriate Assessment (AA) is required.

Wiltshire Council has now agreed a mitigation strategy to counterbalance the nitrogen burdens from planned development, and the above application would be applicable to enter into a S106 agreement to contribute towards the necessary nitrogen credits, to the sum of £227,700.

9.6 S106

To enable the application to comply with local planning and Council policies which relate to development on this scale and in this location, the applicants are required to contribute towards the provision of necessary infrastructure via a legal agreement under S106 of the Planning Act. In accordance with the CIL Regulations 122 any planning obligations must be:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The applicants have agreed that the S106, if planning permission is resolved to be granted, that the Heads of Terms of the legal agreement should cover the following:-

- 40% on-site provision of affordable housing in accordance with the requirements of Policy CP43, including an appropriate mix of tenure and house sizes;
- £227,700 towards Nitrate mitigation (nutrient neutrality);
- £114,700 towards the provision of 5 secondary school places in the catchment;
- Provision of specified on- site equipped play space and casual play space, and a financial contribution of £17,100 to be used for formal sports within Whiteparish;
- £2,525.00 towards the provision of waste and recycling containers for 25 dwellings;
- A contribution towards the Council's costs of drafting the Agreement.

10. Conclusion (The Planning Balance)

'Tilted balance'

This planning application proposes the construction of up to 25 dwellings outside of the settlement boundary of the Large Village of Whiteparish, and is therefore considered contrary to the settlement policies of the Development Plan, namely CP1, CP2 and CP23.

However, as Members are aware, the Council cannot currently demonstrate a 5 Year Housing Land Supply and the revised Local Plan is not far enough advanced towards adoption to carry significant weight in the determination of this application.

The lack of a 5 year supply of housing land is a significant factor that need to be taken into account when considering this application.

Section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan '*unless material considerations indicate otherwise*', and this is reaffirmed in the Framework. Therefore, whilst the development plan has primacy in decision making, there are situations where material considerations could indicate a decision that was otherwise than in accordance with the plan.

Paragraph 11(d) of the NPPF, relating to the presumption in favour of sustainable development, states that:-

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

'Foot note 8' comments that policies can be considered to be out of date where the local planning authority cannot demonstrate a five year supply of deliverable housing sites.

This means that the housing land supply shortfall in effect results in the development plan policies that are most important in determining the application being deemed to be out-of-date. Moreover, the NPPF para 11(d) adds that in such a situation planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Members will be aware of the *5 Year Housing Land Supply and Housing Delivery Test Briefing Note No22-09* (the Briefing Note) which seeks to outline how the Council can restore its 5-year Housing Land Supply in the face of an acknowledged shortfall (which currently stands at 4.59 years). In this regard, a 3-pronged strategy is outlined in paragraph 6.1. The third of these says the Council will *Positively consider speculative applications where there are no major policy obstacles material to the decision other than a site being outside settlement boundaries or unallocated.*

An Inspector in a recent Appeal decision in respect of 90 dwellings on the edge of the Large Village of Holt, near Melksham, where the appeal was allowed, (Ref PL/2022/03315) stated that (para 54) –

When considering other appeals across Wiltshire, I am aware that Inspectors have given varying weight to shortfalls of this scale. In my view, even the Council's position of 4.59 years cannot be termed a moderate shortfall. Rather, I see it as being significant, as it constitutes an appreciable deficiency when compared to what the supply should be. Furthermore, it would appear the earliest this could be resolved through the adoption of a revised Local Plan is the end of next year, though I fully accept such timetables have a habit of slipping and the adoption date could be further into the future.

He also commented, at para 65 of his decision letter, that –

If housing land supply cannot be achieved within the defined settlement boundaries then, as the Briefing Note implies, housing may need to be accepted, contrary to the development plan, on sites outside of those boundaries where there are no other major policy obstacles to the decision. Such instances may well mean the development occurs on a field with a consequent effect on the landscape. It is also fair to assume there is an acceptance that, in such a situation, the new housing would often be more distant from the services than the housing within the settlement.

This is a similar situation to the application under consideration here. The site lies on the edge of the village, a little distant from the facilities within the settlement, although the footpath network in the vicinity of the site does allow for access to the village school, for example without having to use village roads. It would result in the loss of a small field on the edge of the village, but would not have a great impact on the landscape setting of Whiteparish due to the existing (and largely to be retained) vegetation along the road frontage and the topography of the site, being at a slightly higher level than the surrounding road. No objection to the scheme has been raised by the Council's Highways Authority, Ecologists, Archaeologists, Drainage Engineers, Education Department or Housing Enabling Officers. Strong support for the scheme has been put forward by the Headmaster of the Village school as there is a current shortfall in pupil numbers locally, and this situation has been substantiated by the Education Authority's information on low pupil numbers.

Applying the 'tilted balance', it is considered that the conflict with the spatial strategy with regard to the location of the proposed development does not demonstrably and significantly outweigh the benefits of delivering up to 25 dwellings, 40% of which would be affordable, on this site. The application is therefore recommended for approval.

RECOMMENDATION

Grant planning permission, subject to the prior completion of a S106 Agreement in respect of the Heads of Terms referred to above, and subject to the following conditions:-

- 1) The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2) No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

The scale of the development;

The layout of the development;

The external appearance of the development;

The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 5 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3) An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4) Approved plans

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

- Site Location Plan – drawing no. P22-1712_DE_001_A_01, received on 12 December 2022
- Proposed Access Arrangement- drawing no. 1294-008, received on 12 December 2022
- Land Use Plan- drawing no. P22-1712_DE_004_B_01, received on 12 December 2022.

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

- 5) No development above slab level shall commence on site until the exact details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/ the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in the interests of visual amenity and the character and appearance of the area.

- 6) No railings, fences, gates, walls, bollards and other means of enclosure development shall be erected in connection with the development hereby permitted until details of their design, external appearance and decorative finish have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being.

REASON: In the interests of visual amenity and the character and appearance of the area.

- 7) No development shall commence on site until a scheme of hard and soft

landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 8) All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

- 9) No development shall commence within the redline boundary marked on Pegasus Group Drawing: P22-1712_DE_001_A-01, dated 09/08/2022 until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and
 - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their

importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

- 10) Details of the surface water drainage scheme, (including sustainable drainage details), the foul water drainage scheme and timetables for their implementation shall be submitted to the local planning authority for approval with or before the submission of reserved matters. No development shall commence until those schemes have been approved in writing by the local planning authority, and the surface water drainage scheme and the foul water drainage scheme shall then be implemented in accordance with the approved schemes and timetables, and thereafter retained.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

- 11) Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b) Working method statements for protected/priority species, such as nesting birds and reptiles.
- c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
- d) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- f) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP.

The CEMP shall also address the following:-

- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
- ii. A description of management responsibilities;
- iii. A description of the construction programme;
- iv. Site working hours and a named person for residents to contact;

- v. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable, and the development is carried out in such a way as to not cause a nuisance to local residents.

- 12) Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

REASON: To ensure the long-term management of landscape and ecological features retained and created by the development, for the benefit of visual amenity and biodiversity for the lifetime of the scheme.

- 13) No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation.

REASON: to avoid illumination of habitat used by bats.

- 14) The residential development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage).

Within 3 months of each phase being completed and the housing being brought into use, a water efficiency report certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure compliance with the prevailing mitigation strategy for nutrient neutrality in the water catchment within which this development is located.

- 15) No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point

2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 59 metres to the west and 59 metres to the east from the centre of the access in accordance with the approved plans (ref: 1294-008). Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

- 16) Notwithstanding the submitted details, the proposed development shall not be occupied until means/works have been implemented to avoid private water from entering the highway.

REASON: To ensure that the highway is not inundated with private water.

- 17) No development shall commence until full construction details of the proposed 2m wide footway across the site frontage together with dropped kerbs and tactile paving, street lighting and drainage, has been submitted to and approved by the Local Planning Authority; the footway and associated work shall be constructed in accordance with the approved details prior to first occupation of the development.

REASON: In the interests of highway safety.

- 18) There shall be no burning undertaken on site at any time.

REASON: In the interests of the amenities of local residents.

- 19) Construction hours shall be limited to 0800 to 1800 hrs Monday to Friday, 0800 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

REASON: In the interests of the amenities of local residents.

- 20) Prior to commencement of development an acoustic report shall be submitted to the LPA for approval in writing prior to implementation. The report shall demonstrate that the internal and external amenity standards of BS8233:2014 Guidance on sound insulation and noise reduction for buildings (or any subsequent version) and WHO Guidelines for Community Noise (1999) can be achieved within the development. The report must include full details of any scheme of mitigation required to achieve this which, if approved, must be implemented in full and maintained in that way in perpetuity.

General: In discharging this condition the applicant should engage an Acoustic Consultant. The consultant should carry out a background noise survey and noise assessment according to BS8233: 2014 (or any subsequent version) and demonstrate that internal and external noise levels will not exceed the guideline noise levels contained in Section 7.7 (table 4) of BS8233:2014. The report should also demonstrate that internal maximum noise levels in bedrooms will not normally exceed 45dB L_{Amax} between the hours of 23:00 and 07:00.

REASON: In the interests of the amenities of local residents and the occupiers of the new dwellings.

- 21) No development shall commence on site until a construction management plan has been submitted to and approved in writing by the local planning authority.

The plan shall include details of the measures that will be taken to reduce and manage the emission of noise, vibration and dust during the demolition and/or construction phase of the development. It shall include details of the following:

- i. The movement of construction vehicles;
- ii. The cutting or other processing of building materials on site;
- iii. Wheel washing and vehicle wash down facilities;
- iv. The transportation and storage of waste and building materials;
- v. The recycling of waste materials (if any)
- vi. The loading and unloading of equipment and materials
- vii. The location and use of generators and temporary site accommodation
- viii. Where piling is required this must be Continuous flight auger piling wherever practicable to minimise impacts

The construction/demolition phase of the development will be carried out fully in accordance with the construction management plan at all times.

REASON: In the interests of the amenities of local residents.

- 22) Concurrent with the reserved matters application a Sustainable Energy Strategy (SES) shall be submitted for the approval in writing by the local planning authority. The SES shall set out the measures to deliver sustainable construction and climate change adaption, and include an implementation schedule and any approved infrastructure shall be provided in accordance with the approved schedule.

REASON: To ensure that the development is carried out to the prevailing sustainable construction and climate change adaption principles.

- 23) For the avoidance of doubt, the number of dwellings to be developed on the site shall not exceed 25 in number.

REASON: To ensure that the development is carried out in accordance with the principles considered at the Outline stage.

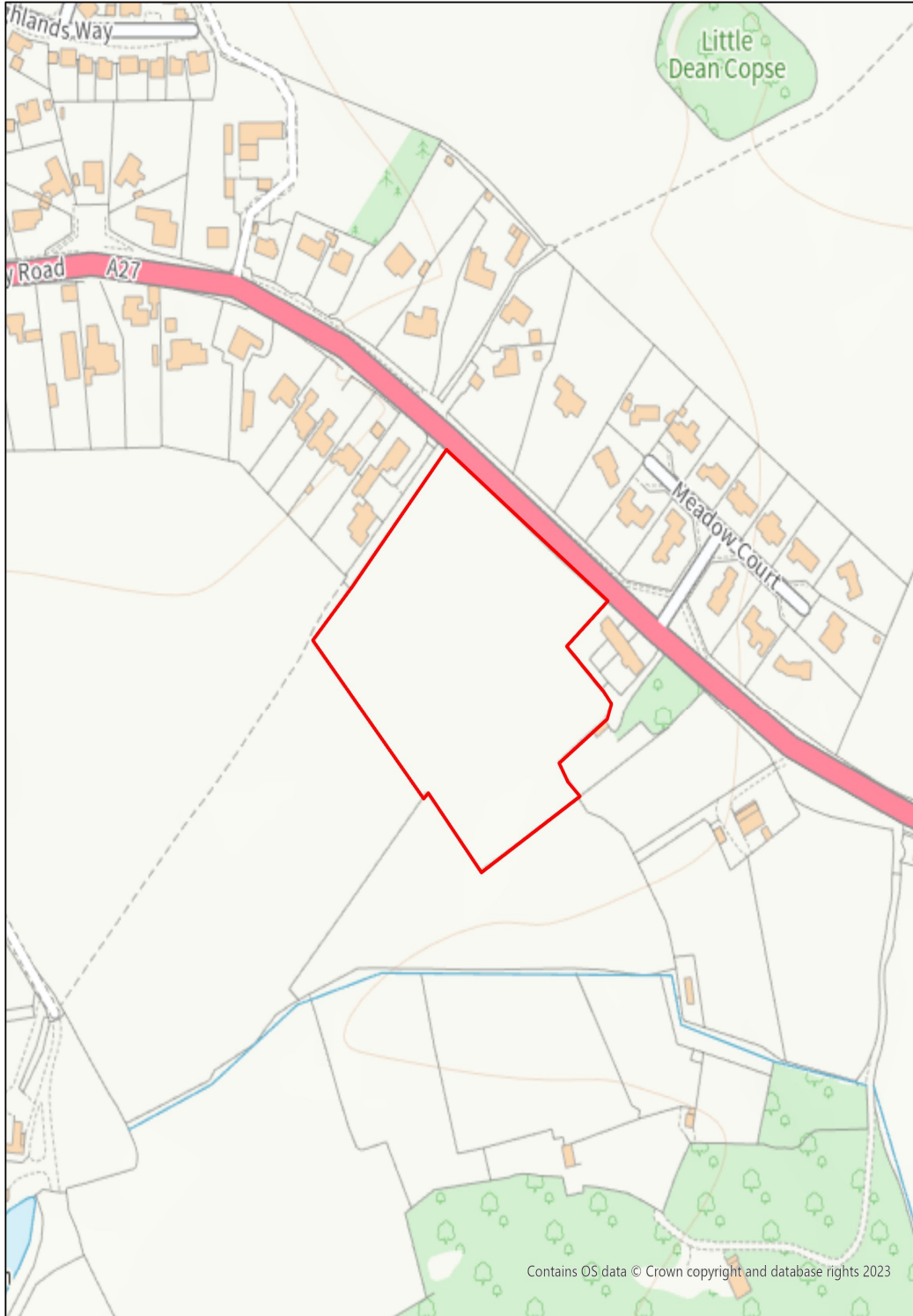
Informative Notes

- 1) This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the XXXX.
- 2) The development hereby approved could be subject to the Community Infrastructure Levy. Wiltshire Council has now adopted a Community Infrastructure Levy (CIL) charging schedule. CIL is a charge that local authorities can place on new development in their area. The money generated through CIL will contribute to the funding of infrastructure to support growth.

More information and the charging schedule for CIL can be found using the following link:

<http://www.wiltshire.gov.uk/planninganddevelopment/dmcommunityinfrastructurelevy.htm>

- 3) The programme of archaeological work required by Condition 9 will comprise:
- i) an initial phase of exploratory archaeological investigation (a field evaluation) prior to the commencement of development to establish if there are any areas of archaeological interest that will be impacted by the proposed development
 - ii) Further archaeological investigation of any areas of archaeological interest, either prior to the commencement of, or during, development
 - iii) A programme of post-fieldwork assessment, analysis, reporting and publication commensurate with the significance of the archaeological results.
- 4) A water efficiency calculation will be needed to discharge condition 14. For guidance on how to do this and what is required, please refer to the following document: 'The Building Regulations 2010 – Sanitation, hot water safety and water efficiency', Appendix A (p36-44).
- https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf
- 5) There is a low risk that great crested newts may occur at the development site. Great crested newts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a great crested newt mitigation licence if an offence is likely. For all construction and ground clearance works it is advised to follow advice from an independent ecologist.
- 6) The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which could result in roost abandonment and/or the severance of key foraging areas. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.
- 7) The applicant will be required to enter into a S278 (Highways Act) legal agreement with Wiltshire Council for the footway work and bellmouth.
- 8) The layout for the Reserved Matters application shall broadly follow that set out on the Illustrative Masterplan (drawing no. P22-1712_DE_003_B_01).



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