

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 28 FEBRUARY 2024 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Chuck Berry (Chairman), Cllr Howard Greenman (Vice-Chairman), Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith and Cllr Elizabeth Threlfall

Also Present:

Adrian Walker, Alwyn Thomas, Max Hirst, Ellen Ghey

9 **Apologies**

Apologies were received from:

Cllr Steve Bucknell

Membership Changes:

Councillor Chuck Berry was announced as the new Chairman of the Northern Area Planning Committee.

Councillor Mike Sankey was welcomed as the newest member of the Committee.

10 **Minutes of the Previous Meeting**

The minutes of the last meeting of the Committee held on 31 January 2024 were considered for approval by the committee.

After discussion it was:

Resolved

To remove the words “up to” from Agenda item 7 - PL/2022/09258: Minety Substation, Minety, Wiltshire, SN16.

To approve and sign the minutes of the previous meeting held on 6 December 2023 as a true and correct record.

11 **Declarations of Interest**

There were no declarations of interest.

12 **Chairman's Announcements**

The Chair informed the Committee that it would no longer be considering Agenda Item 9: PL/2022/09258: Minety Substation, Minety, Wiltshire, SN16, during this meeting. At the previous meeting, the Committee resolved to defer the application pending the submission of additional information provided by the applicant alongside a Unilateral Undertaking.

13 **Public Participation**

The Committee noted the rules on public participation.

14 **Planning Appeals and Updates**

Councillor Chuck Berry invited Adrian Walker, Development Management Team Leader, to briefly update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

Following which, it was:

Resolved:

The Committee noted the appeals report for the period 19 January 2024 to 16 February 2024.

15 **PL/2023/04681: 5 Studley Gardens, Studley, Calne, SN11 9FR**

Public Participation

Mr Armstrong spoke in support of the application.

Cllr Ioan Rees of Calne Without Parish Council spoke in objection of the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee grant planning permission, subject to conditions, for the relocation of the existing 1.8-metre-tall fencing to a position some 2.0m from the edge of the private drive, thereby moving part of the incidental grass strip into the private garden area. The fence is to be moved out approximately 0.8m resulting in approximately 1.3m of hedging remaining. Some of the shrubbery/hedging will be removed, with the two ornamental trees remaining.

Key considerations identified included the principle of development, design and scale, impact on residential amenity and highways and parking issues. Attention was drawn to the representation from Calne Without Parish Council, concerned over the potential impacts on both the listed buildings and the wider area.

Members of the Committee then had the opportunity to ask technical questions to the officer.

It was clarified that the ownership of the land belonged to the applicant. The trees situated near the fence would remain outside it and any landscaping conditions would have long since expired. It was explained that Highways would still involve themselves in private road matters but had no objections to this application.

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

A debate followed where the progress made in discussions between the applicant and the Parish Council was discussed and the potential impact on the nearby trees from moving the fence.

During debate a motion to grant was moved by Cllr Nic Puntis and seconded by Cllr Gavin Grant. An amendment was put forward to condition the protection of the nearby trees, however this was withdrawn.

Resolved

That planning permission be granted subject to the following conditions and informatives:

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:**

Existing Site Block Plan

Proposed Site Block Plan (Received by LPA 12th June 2023)

Site Location Plan (Received by LPA 22nd June 2023)

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

- 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the approved drawings and application form.**

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

Informatives

- 4. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a**

structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

5. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

6. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.

7. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

8. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule.

16 **PL/2023/09202: The Mount, Upper Seagry, SN15 5EX**

Public Participation

Mr Dance spoke in objection of the application.

Mr Kernon spoke in support of the application.

Mr Barber, on behalf of Seagry Parish Council, spoke in objection of the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee grant planning permission, subject to conditions, for variation of the design, materials and access lay out.

Key considerations identified included the Principle of Development, Impact on the Character, Appearance and Visual Amenity of the Locality and Impact on Residential Amenity.

Members of the Committee then had the opportunity to ask technical questions to the officer. Concerns were raised over the increase in size between plans.

It was clarified that officers did not consider the difference a significant increase and that the drawings were to scale and accurate. It was reassured that enforcement could be taken if the building was not built in accordance with agreed plans.

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

The unitary division member, Councillor Howard Greenman then spoke in objection of the application.

A debate followed where the Committee considered Wiltshire Council's Core Policy 51 and Core Policy 57, considering the plans to be against these policies.

During the debate Officers warned Cllrs against prejudicial thought based on previous applications. Cllrs wanted to ensure it was made aware that this had not been the case.

It was understood that there had been a cheaper option to buy the building "off the shelf" which meant different dimensions. However, Cllrs felt the applicant should have returned to ask for planning permission before pressing ahead.

During debate a motion to refuse was proposed by Cllr Howard Greenman and seconded by Cllr Gavin Grant, after which it was:

Resolved

That planning permission be refused.

17 **PL/2022/09258: Minety Substation, Minety, Wiltshire, SN16 9DX**

This item was withdrawn from the agenda.

18 **PL/2022/04524: Land East of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ**

Public Participation

Ms Brooks spoke in objection of the application.

Mr King spoke in objection of the application.

Mrs King spoke in objection of the application.

Mr George Hall spoke in support of the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee grant planning permission, subject to conditions, for a Battery Energy Storage System (BESS) with a capacity of c.50MW. The batteries would be housed within containers which utilise air conditioning units for cooling purposes. The facility is supported by ancillary development, including transformers, inverters, and switch gear units. The site would also be surrounded by a security fencing and new landscaping and biodiversity enhancements.

Key considerations identified were:

- a) Whether the proposal is acceptable in principle.
- b) Whether the proposal would result in the loss of agricultural land.
- c) Whether the proposal would be harmful in terms of its landscape and visual impact.
- d) Whether the scheme would give rise to an adverse impact on residential amenity.
- e) Whether the proposal would have an adverse impact upon highway safety or public rights of way.
- f) Whether the scheme would cause harm to protected species and/or their habitats.
- g) Whether the proposal would result in the loss of trees and ancient woodland.
- h) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets; and
- i) Whether the proposal would result in any other adverse environmental impacts.

Members of the Committee then had the opportunity to ask technical questions to the officer.

It was clarified a previous permission for the site that was granted in 2018 had lapsed. Network Rail hadn't been consulted as the proposed site was not within close proximity to railway lines. It was confirmed that the need assessment was based on a need for renewable energies and that the public protection officer had raised no objections in relation to hazardous materials.

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

The unitary division members, Councillor Chuck Berry and Cllr Jacqui Lay, then spoke in objection of the application.

A debate followed where the Committee considered that there had been no representations by official bodies and no statutory opposition. The national need for battery storage was also highlighted.

Councillors also considered the impact of the site on local residents, the landscape and the potential for significant sound pollution. Wiltshire Council's Core Policy 51 and Core Policy 57 were also referred to.

During debate a motion to grant was moved by Cllr Elizabeth Threlfall and seconded by Cllr Dr Brian Mathew. Following a vote, the motion was lost. A motion to refuse was then moved by Cllr Gavin Grant and Cllr Howard Greenman, and it was:

Resolved

That planning permission be refused.

19 **PL/2023/03501: Land Near Minety Substation, Minety, Wiltshire, SN16 9DX**

Public Participation

Mr Greslow spoke in support of the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee grant planning permission, subject to conditions, to vary the conditions of planning permission reference 0/03528/FUL in order to secure amendments to the layout of the approved development. The amendments relate to a reduction in the extent and number of solar panels, the introduction of battery storage units, and a proposed change to the access strategy.

The main issue for consideration was whether the proposed amendments to the conditions of planning permission reference 20/03528/FUL should be granted, as the principle of development could not be reconsidered.

Members of the Committee then had the opportunity to ask technical questions to the officer, where it was clarified that Network Rail had not been consulted.

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

It was also noted that 3 objections had been received by planning officers in writing.

The unitary division members, Councillor Elizabeth Threlfall, then spoke in support of the application.

A debate followed where the Committee considered that the proposed site was already within a developed area, and that the Strategic Planning Committee had considered and proposed changes to this application which had then been agreed.

During debate a motion to grant, was moved by Cllr Elizabeth Threlfall and seconded by Cllr Howard Greenman. An additional condition was included to place noise reduction kits on all invertors for ecological protection.

Resolved

That planning permission be granted subject to the following conditions and informatives:

An additional condition was included to place noise reduction kits on all invertors for ecological protection.

- 1. The development hereby permitted shall begin before the 07 April 2025.**

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 44 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.

- 3. The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans, drawings and documents:**

Site Location Plan – RL-J082-1

Minety PV Layout - 21 April 2023

Landscape Masterplan – P19-2270_13 Rev. N – 29 March 2023

Construction Compound – 15 November 2021

Typical PV Table Details Rev. A – 3 June 2021

Typical Trench Sections Details Rev. A – 6 April 2020

Typical Spares Container Details Rev. A – 6 April 2020

Typical Battery Storage System Details 1 Rev. A – 6 April 2020

Typical Battery Station Linear Rev A 21 April 2023

Typical Customer Switchgear Details Rev. A – 6 April 2020

Typical Inverter Substation Details Rev. A – 6 April 2020

Typical Fence, Track & CCTV Details Rev. A – 6 April 2020

**Arboricultural Impact Assessment Rev. A– March 2023
Noise Assessment for Planning – Acoustics Report A1579 R02b – 23
March 2023**

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

4. The development hereby permitted shall be carried out in accordance the scheme for the discharge of surface water included within the approved Drainage Technical Note (v2, dated 16 March 2023), Flood Risk Assessment (v5, dated August 2020) and FRA Addendum (v2, dated August 2020).

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

5. Notwithstanding the contents of the Construction Traffic Management Plan (April 2020 Updated July 2023) by Pegasus Group, no development shall commence on site (including any works of demolition), until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. Thereafter, the approved CTMP shall be implemented and adhered to throughout the entire construction period unless otherwise agreed in writing by the Local Planning Authority. The CTMP shall provide details as appropriate, including the following:

- i. mitigation measures at the access points throughout construction.**
- ii. the signing and routing (including a plan) of all construction traffic with particular reference to HGVs and deliveries.**
- iii. a Traffic Management Plan (including signage drawing(s))**
- iv. details of the number (daily/weekly) and size of delivery vehicles**
- v. details of the number of staff vehicle movements.**
- vi. details of temporary/permanent Traffic Regulation Orders**
- vii. details of the construction timeframe and any separate phases of development**
- viii. the parking of vehicles of site operatives and visitors.**
- ix. the loading and unloading of plant and materials.**
- x. the storage of plant and materials used in constructing the development.**
- xi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.**
- xii. wheel washing facilities.**
- xiii. measures to control the emission of dust and dirt during construction.**
- xiv. a scheme for recycling/disposing of waste resulting from demolition and construction works.**
- xv. measures for the protection of the natural environment.**
- xvi. hours of construction, including deliveries; and**

xvii. details of public engagement both prior to and during construction works.

xviii. Details of the schemes to reinstate and close the proposed western and eastern construction access points including a timetable to carry out the works.

REASON: To protect the amenities of the occupiers of neighbouring residential properties, the amenities of the area in general, the natural environment, and in the interests of highway safety.

8. Prior to the use of the western (proposed) and eastern (proposed) access points by construction traffic, they shall be laid out and constructed in accordance with the details provided within the Construction Traffic Management Plan (Dated July 2023 / Revision A) and shown on Figures 3.1, 3.2 & 3.3). Furthermore, the first 15 metres of the accesses measured from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter during the construction period.

REASON: In the interests of highway safety.

9. Prior to the use of the western (proposed), central (existing) and eastern (proposed) access points by construction traffic, the required visibility splays shall be provided in accordance with the details provided within the Construction Traffic Management Plan (Dated July 2023 / Revision A) and shown on Figures 3.1, 3.2 & 3.3). The approved visibility splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent highway during the construction period.

REASON: In the interests of highway safety.

10. Any gates at the proposed eastern and western accesses shall be set back 16 metres from the edge of the carriageway and such gates shall open inwards only.

REASON: In the interests of highway safety.

11. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a finalised Ecological Mitigation and Enhancement Plan (EMEP) shall be submitted to and approved in writing by the Local Planning Authority. The EMEP shall illustrate all existing ecological features together with avoidance and mitigation measures in relation to the scheme layout, and clear indication of those features and habitats to be retained. 'No construction' zones/buffer zones and root protection areas and associated distances/widths shall be illustrated on the EMEP and this should include, but not be limited to, the 20m buffer to be incorporated alongside the adjacent SSSIs and the buffer between the construction compound and nearby ecological features, including

hedgerows, trees and ponds. The EMEP shall also illustrate all areas of habitat to be enhanced and areas of new habitat creation including wildflower meadows and areas of planting. Any ecological enhancement features such as bat roost boxes and bird nest boxes shall be illustrated on the plan.

The EMEP must also illustrate the proposed location of the perimeter fencing in relation to existing boundary features and habitats to be retained and there will be no encroachment upon these features and no construction or operational works shall extend into the adjacent buffers and access these areas will be restricted to that necessary for habitat maintenance purposes alone.

Development shall be undertaken in strict accordance with the approved EMEP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection, mitigation and enhancement of biodiversity. Furthermore, the application contained inadequate detail to enable this matter to be wholly resolved prior to determination, and P19-2270_23 Biodiversity Mitigation and Enhancement Plan NOV 2021 submitted in support of the planning application was found to be lacking all the relevant details. Therefore, a finalised and suitably detailed and appropriate EMEP must be agreed with the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

12. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a finalised Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP 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) Details of all mitigation measures and identification of ecological protection areas/buffer zones and tree root protection areas as well as details and specification of physical means of protection, e.g. temporary fencing to demarcate buffer zones such as the zone of at least 15m in width between the construction compound and hedgerow and buffer zone of 20m between the site and adjacent SSSIs. Details of specific measures such as gaps in fencing to avoid causing harm to biodiversity features should also be stipulated. Measures should be illustrated on a plan (this could comprise the EMEP).

b) Details and timing of any update surveys required pre-commencement of works on site such as for badgers.

c) Precautionary working method statements, including the restrictions to the timing of such works, such as sensitive vegetation clearance method in respect of birds.

d) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts and bats; this should comprise the preconstruction/construction related elements of strategies only.

e) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors, and stipulation of work activities to be overseen by a licensed ecologist and/or ecological clerk of works (ECoW).

f) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

g) Schedule for compliance checks to be completed by a competent person(s), likely the ecologist/ECoW, prior to, during and post-completion of construction works.

h) A compliance report must be provided to the local planning authority within four weeks of the end of construction and the report shall include photographic evidence.

Development shall be carried out in strict accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction. In addition, the CEMP provided alongside the planning application did not include all the necessary details and therefore, a finalised CEMP must be approved by the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

13. Within four weeks 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 by the aforementioned 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 the approved EMEP and CEMP 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.

14. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a Landscape and Ecological 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; a plan identifying retained and proposed habitat features; and management responsibilities and maintenance schedules for each ecological feature and habitat within the development. The LEMP shall also include a schedule for monitoring success of the management prescriptions, incorporating review and necessary adaptive management and remedial works in order to attain targets. The monitoring schedule shall stipulate the years after the commencement of operation that a monitoring report, to be prepared by an independent ecologist, shall be submitted to the Local Planning Authority. The LEMP will also cover the period of decommissioning at the end of the operational phase of the development. The LEMP shall provide details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The development shall be undertaken and managed in accordance with the approved LEMP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the implementation of appropriate long-term management of landscape and ecological features and habitats for the lifetime of the development. In addition, the LEMP provided alongside the planning application did not include all the necessary details and therefore, a finalised LEMP must be approved by the Local Planning Authority before development commences to ensure compliance with legislation, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

15. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, an Ecological Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should set out the monitoring scheme and should include the following:

**Commitment to undertake surveys immediately following construction completion to establish the baseline for future monitoring.
Identification of the key features to be monitored and methodology to be used.**

Monitoring targets with specific measurable thresholds for success for each key feature with remediation measures incorporated where necessary.

Commitment to continue monitoring for the operational lifetime of the installation in years 1, 3, 5, 10, 25 and 40, and a 5-year aftercare plan following completion of restoration.

Commitment to prepare a report after each monitoring exercise, relating findings to those of previous years and the intended targets. The report will be submitted to the Local Planning Authority within 6 months of each monitoring visit.

REASON: To ensure the protection and enhancement of biodiversity.

16. No external artificial lighting shall be used or installed on site until lux contour plots/lighting contour plans for all proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The plots/plans must demonstrate that bat habitat to be retained will be maintained as 'dark corridors'. Details of mitigation measures that would be implemented where necessary, to minimise light spill shall also be provided. Lighting proposals shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light' and their Guidance Note GN08-18 'Bats and artificial lighting in the UK', issued jointly with the Bat Conservation Trust. Construction phase lighting shall be limited to two tower systems comprising 6 x 160W MultiLED which are only to be used where necessary during the winter months and this is subject to the requirements of this condition having been met.

Lighting at the site shall be in strict accordance with the approved details and no additional external lighting shall be installed either during construction or operation unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light spill and to minimise potential for adverse effects on bats and other wildlife. In addition, insufficient information was provided alongside the planning application to allow this matter to be wholly resolved prior to determination. Therefore, further details to demonstrate that dark corridors will be achievable must be submitted to, and approved by, the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

17. Prior to decommissioning, an ecological assessment and mitigation report shall be submitted to the Local Planning Authority for written approval. The site shall be decommissioned in strict accordance with the approved report.

REASON: To ensure adequate protection and mitigation for ecological receptors during the decommissioning phase and to ensure compliance with legislation in respect of protected habitats and species, planning policy and best practice.

18. No development shall commence on site and no equipment, machinery or materials shall be brought on to site for the purpose of

development until tree protective fencing has been erected in accordance with the details set out in the Arboricultural Impact Assessment (June 2021) by Barton Hyett Associates.

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations. No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 “Tree Work – Recommendations” or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place, of a size and species and planted at such time, that must be agreed in writing with the Local Planning Authority.

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first operation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

19. All soft landscaping comprised in the approved details of landscaping, as shown on the Landscape Masterplan drawing no. P19-2270_13 Rev. N 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.

20. 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 the contamination and provide a written remedial statement to be followed by a written verification report that confirms the 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.

21. The development hereby permitted shall not be first brought into use until all of the external walls of the battery storage units, other site structures and security fencing have been painted/finished in a colour the detail of which shall be submitted to the Local planning authority for approval and shall be either moss green or brown. The colour finish shall be retained in perpetuity thereafter.

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

22. There shall be no burning undertaken on site at any time.

REASON: To protect the amenities of the occupiers of neighbouring residential properties.

23. The mitigation measures detailed within section 4.2 of the Noise Assessment (March 2023) report by Ion Acoustics shall be implemented and the noise rating level (BS4142:2014) of plant shall be no more than those specified in Table 13 7 & 8 of the Noise Assessment; A1579 RO2b during daytime (0700–2300hrs) and during night-time (2300-0700hrs) at all residential receptors.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area and to protect the amenities of the occupiers of neighbouring residential properties.

24. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment (March 2023) report by Ion Acoustics and submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained.

REASON: To protect local amenity from adverse effects of noise.

INFORMATIVE

Nothing in this permission shall authorise the diversion, obstruction, or stopping up of any public right of way that crosses the site. You are advised to contact the Public Rights of Way officer on RightsOfWayConsultations@wiltshire.gov.uk.

INFORMATIVE

The proposal includes alteration to the public highway. The permission 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 the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

INFORMATIVE

The applicant should note that it will be necessary for a Great crested newt District Level Licence to be obtained from Natural England in order to allow the works to proceed lawfully. Great crested newts and their habitat are protected at 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.

INFORMATIVE

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, or to damage or disturb their habitat or resting place. 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.

INFORMATIVE

If soakaways prove to be non-viable and discharge to an ordinary watercourse is required:

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.

INFORMATIVE

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd.

Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE

Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

INFORMATIVE

The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

20 PL/2022/02824: Land at Somerford Farm, Brinkworth, SN15 5AU

Public Participation

Cllr Parsons, on behalf of Brinkworth Parish Council, spoke in objection of the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee grant planning permission, subject to conditions, for full planning permission for a battery storage facility. The batteries would be housed within containers which utilise air conditioning units for cooling purposes. The facility is supported by ancillary development, including transformers, inverters, and switch gear units.

Key considerations identified included:

- a) Whether the proposal is acceptable in principle.

- b) Whether the proposal would result in the loss of agricultural land.
- c) Whether the proposal would be harmful in terms of its landscape and visual impact.
- d) Whether the scheme would give rise to an adverse impact on residential amenity.
- e) Whether the proposal would have an adverse impact upon highway safety or public rights of way.
- f) Whether the scheme would cause harm to protected species and/or their habitats.
- g) Whether the proposal would result in the loss of trees and ancient woodland.
- h) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets; and
- i) Whether the proposal would result in any other adverse environmental impacts.

Members of the Committee then had the opportunity to ask technical questions to the officer.

It was clarified that the site would connect to the grid via the Minety substation, would be below ground, and that planning permission was not required for this particular element. Limits on the colours of the containers was set out in condition 5, with balance kept between keeping them dark and avoiding any risks of overheating.

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

The unitary division member, Cllr Elizabeth Threlfall then spoke in objection of the application.

A debate followed where the Committee considered Wiltshire Council's Core Policy 51 and Core Policy 57, considering the plans to be against these policies due to the proximity of the site to the road and the site's impact on the local landscape.

The impact of lighting in and around the site was also considered.

During debate a motion to refuse was proposed by Cllr Elizabeth Threlfall and seconded by Cllr Nic Puntis, after which it was:

Resolved

That planning permission be refused.

21 **Urgent Items**

There were no urgent items.

(Duration of meeting: 14.00pm – 18.10pm)

The Officer who has produced these minutes is Max Hirst of Democratic Services, e-mail max.hirst@wiltshire.gov.uk

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