

AGENDA

Meeting: Strategic Planning Committee

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

Date: Wednesday 14 August 2024

Time: 10.30 am

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

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

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Membership:

Cllr Howard Greenman (Chairman)
Cllr Christopher Newbury (Vice-Chairman)
Cllr Ernie Clark
Cllr Adrian Foster
Cllr Carole King
Cllr Stewart Palmen

Cllr Pip Ridout
Cllr Jonathon Seed
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 Nic Puntis
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](#).

For assistance on these and other matters please contact the officer named above for details

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 7 - 24*)

To approve and sign as a correct record the minutes of the meeting held on 10 July 2024.

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 and others will have had the opportunity to make representations on planning applications and other items on the agenda, and to contact and lobby their local elected member and any other members of the planning committee, prior to the meeting.

Those circulating such information prior to the meeting, written or photographic, are advised to also provide a copy to the case officer for the application or item, in order to officially log the material as a representation, which will be verbally summarised at the meeting by the relevant officer, not included within any officer

slide presentation if one is made. Circulation of new information which has not been verified by planning officers or case officers is also not permitted during the meetings.

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 7 August 2024 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 9 August 2024. 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 25 - 26)

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 20/11598/OUT - Land east of Church Road, Laverstock (Pages 27 - 64)

Outline application (all matters reserved except external access) The erection of up-to 49 dwellings, accesses from Church Road, Green Infrastructure including landscaping and children's play, a sustainable urban drainage system and utility buildings (amended description).

8 PL/2023/07368 - Old Sarum Airfield Limited, Lancaster Road, Old Sarum, Salisbury (Pages 65 - 152)

Outline application with all matters reserved, except means of access to site, for the demolition, modification & renovation of existing buildings, structures & site development. Provision of approx. 315 residential dwellings, & mixture of employment, commercial/leisure, & aviation uses, including a "flying hub" comprising control tower, heritage centre, visitor centre, café/restaurant, parachute centre, aviation archives & aircraft hangars. Provision of new vehicular access to surrounding highways network, car parking, & connections to surrounding footpath/cycle networks. Green infrastructure provision, including open space, play space, foot & cycle paths, & landscape enhancement areas; & sustainable urban drainage system & waste water treatment works. Associated vegetation removal, ground modification & engineering works.

9 **PL/2023/10394 - Land south of Salisbury Road, Homington, Coombe Bissett** (Pages 153 - 240)

Construction and operation of a solar photovoltaic farm and associated infrastructure.

10 **PL/2023/05363 - Dreamlea, Cricklade Road, Purton Stoke, Swindon** (Pages 241 - 260)

Change of use of land from equestrian to two Gypsy and Traveller pitches, to include the change of use of an equestrian storage building to a shared day room.

11 **PL/2023/00900 - Charlie's Place, Land off Sodom Lane, Grittenham** (Pages 261 - 290)

Change of use of land to provide a Gypsy site, consisting of four pitches and associated hardstanding, landscaping and a commercial barn.

12 **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

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Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 10 JULY 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Christopher Newbury (Vice-Chairman), Cllr Adrian Foster, Cllr Carole King, Cllr Pip Ridout, Cllr Jonathon Seed, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr George Jeans (Substitute)

Also Present:

Cllr Bridget Wayman

41 **Apologies**

Apologies were received from:

- Cllr Ernie Clark who was being substituted by Cllr George Jeans, and
- Cllr Sarah Gibson.

42 **Minutes of the Previous Meeting**

The minutes of the meeting held on 4 June 2024 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes of the meeting held on 4 June 2024 as a true and correct record.

43 **Declarations of Interest**

Regarding agenda item 7, PL/2022/08186 - The Stables, Mapperton Hill, Mere, Warminster, Wilts, BA12 6LH, Cllr George Jeans declared for transparencies sake that his cousin had once owned the land the site was on, this had been over 10 years ago, and he had no connection to the land now.

Cllr Jeans also declared an Other Registerable Interest for the same application as he was a member of Mere Town Council. When the application was considered by Mere Town Council, Cllr Jeans had not taken part in the debate or vote. Cllr Jeans confirmed that he had an open mind on the matter.

Neither of these declarations precluded Cllr Jeans from taking part in the debate and vote on the application.

44 **Chairman's Announcements**

There were no Chairman's announcements.

45 **Public Participation**

The procedure for public participation was noted.

46 **Planning Appeals and Updates**

The Chairman highlighted the appeals report in the agenda.

47 **PL/2022/08186 - The Stables, Mapperton Hill, Mere, Warminster, Wilts, BA12 6LH**

Public Participation

Quentin Skinner spoke in objection to the application.

Dr Simon Ruston spoke in support of the application.

Cllr John Jordan, Chairman of Mere Town Council spoke in objection to the application.

Lynda King, Senior Planning Officer, introduced a report which recommended that the application for an extension to an existing Gypsy and Traveller site with 10 additional pitches, each pitch to consist of 1 Mobile Home, 1 Touring caravan and parking be approved, subject to conditions.

The officer drew attention to an addendum to the report, from the Spatial Planning Team, which was published in agenda supplement 1 and stated that any pitches granted at the meeting would be counted towards supply. Furthermore, the pitch requirement for 2024 – 29 had been updated to 81.

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

The officer highlighted that there was already 1 pitch on site, so if granted the proposal would increase that to 11 pitches. The proposal included no permanent structures, so the pitches would not have day rooms, as this was the preference of the applicant. The existing access to the site would be utilised. The proposal also included installation of a sewage treatment plant and surface water treatment. Mere was the local service centre for the site.

The officer ran through the report and also showed the slides for the application to the Committee (these were also published in agenda supplement 1).

The relevant core policies were highlighted, in particular core policy 47, meeting the needs of gypsies and travellers. This policy had criteria against which gypsy and traveller pitches should be compared and these were explained in detail

both at the meeting in the report. The officer felt that the application met the criteria.

It was noted that guidance in the National Planning Policy Framework (NPPF) on the planning definition of gypsies and travellers had been updated to *'Persons of 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.'* Only people which met these criteria would be able to live on the site.

There had been significant local opposition to the application. However, there had been no objections (some subject to conditions) from the Arboriculturist, Archaeology, Ecology, Drainage, Highways or Public Protection. Therefore, the application was recommended for approval.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the legal weight of the emerging Gypsy and Traveller Development Plan and the assessment. It was clarified that the Gypsy and Traveller Development Plan carried very limited weight at present, as the plan had yet to be approved. However, the Gypsy and Traveller Accommodation Assessment had been carried out by independent assessors and the need of 81 pitches was correct. The assessment was being used to inform the Gypsy and Traveller Development Plan.

Members also queried the sustainability of the site; the safety of the road; the lack of day rooms; refuse collections; whether services in the area could cope; parking spaces; the boundary of the site; who controlled who would live at the site and whether they met the planning definition of Gypsies and Travellers.

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

The neighbouring unitary division member, Cllr Bridget Wayman (Nadder Valley) then spoke in relation to the application. Cllr Wayman raised concerns about the speed of traffic on the road and the fact that there was a hill quite close to the entrance, meaning traffic cresting the hill would have limited time to react if there were traffic at the site (for example refuse lorries). Cllr Wayman requested that a traffic survey be undertaken prior to the Committee making their decision.

The unitary division member, Cllr George Jeans (Mere) then spoke to the application. Cllr Jeans highlighted that Mere Town Council had objected to the application and had stated that flooding was an issue at the site. Cllr Jeans also raised concerns regarding the road; (the fact that it had no pavement and was a fast road); the density of the site; whether the site could be properly serviced and the number of parking spaces. In relation to the boundary to the site, Cllr Jeans hoped that hedgerows planted at the boundary would not be deciduous,

to help with screening the site year round. Cllr Jeans stated that he did not feel the application met all the criteria at Core Policy 47.

Cllr George Jeans proposed that the application be deferred so that a highways assessment / traffic survey could be undertaken. This was seconded by Cllr Christopher Newbury.

Members debated the proposal to defer the application. Some Members felt there was a discrepancy between what Highways Officers stated and local knowledge regarding the speed people traversed the road. The officer read out the Highways Officer comments (at pages 40 and 41 of the agenda) and stated that the Highways Officer had carried out a thorough assessment and had visited the site.

During further discussion some Members stated that they did not want to defer the application and that a decision should be made. Member then voted on the proposal to defer the application to get a highways assessment / traffic survey. Following a vote the motion was lost.

Cllr Adrian Foster then proposed that the application be approved with conditions as per the officer recommendation. This was seconded by Cllr James Sheppard.

Members then debated this proposal, and various issues were discussed, such as that they could not refuse on Highways grounds. Concerns were raised regarding the location of the bus stop. Which was some way from the site, down a fast road, with no pavement. Some Members felt that this would make it difficult for any children on site to get to school, and that transport costs for that may then fall to the council. Some suggested that if the application as approved a condition be added that any costs resulting from providing school transport be covered by the applicant. Concerns were also raised regarding the density of the site. Further concerns were raised regarding the access, and the brick wall which had been built at the entrance, which it was felt may block visibility. Also discussed was what would happen with refuse collections as there was no bin store on site and bins along the road would be unsightly and could cause visibility / safety issues.

Sarah Hickey, a Wiltshire Council solicitor, stated that the schooling aspect was not a material consideration as the law stated that you could not use this reason as a refusal for planning application.

During debate amendments to the proposal were discussed including adding a condition that the wall at the entrance be taken down and that no non-deciduous planting be used for the boundary hedging. Another amendment was to add a condition for a bin store on the site. Furthermore, an amendment to add a condition that commercial vehicles, such as construction traffic, did not remain on site. All of these amendments were accepted as friendly amendments to the proposal by Cllr Foster and Cllr Sheppard. Following this the amended motion was put to the vote and it was:

Resolved:

That planning permission be granted, 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, Drawing no. MD22-SLP Rev A, received on 17th November 2022

Site Layout Plan and Drainage layout, Drawing no. 0500 Rev P3 received on 10th April 2024

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

- 3) 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 or conifers, supply and planting sizes and planting densities;**
- all hard and soft surfacing materials**
- car parking layout and the removal of the brick pillars, walling and gates serving the existing access.**

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.

- 4) 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.

- 5) 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.

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.

- 6) 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 in consultation with the Lead Local Flood Authority.

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

- 7) 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.

- 8) No development shall commence within the area indicated by the red line boundary on Site Location Plan MD22-SLP Revision A 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: In order to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible in accordance with Paragraph 205 of the NPPF.

9) 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.

10) 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.

11) No more than 20 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 10 shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan, received on 10 April 2024.

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.

12) 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. This condition is effective on the substantial completion of the development hereby approved to ensure that no commercial vehicles used in connection with the construction of the site remain in situ once the scheme is complete.

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

- 13) Prior to first occupation of any dwelling pitch hereby permitted the access shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 160 metres to the south and 105 metres to the north. The visibility so provided shall thereafter be maintained.

REASON: In the interests of highway safety.

- 14) Prior to first occupation of any dwelling pitch hereby permitted the access hereby permitted shall be surfaced over the first 6 metres from the carriageway edge in a well-bound consolidated material (not loose stone or gravel).

REASON: In the interests of highway safety.

- 15) Any gates erected on the access shall be erected at least 6 metres from the carriageway edge and made to open inwards (away from the carriageway) only.

REASON: In the interests of highway safety.

- 16) Prior to the first occupation of any dwelling pitch hereby permitted, a plan showing the location of bin storage facilities adequate to accommodate the number of bins provided to the individual pitches shall be submitted to, and approved in writing by, the Local Planning Authority. The bin storage area shall thereafter be laid out in accordance with the approved plans and maintained for the life of the development.

REASON: to ensure that sufficient waste storage facilities can be provided on site in a location where the bins can be safely collected to prevent highway danger.

Informative Notes

- 1) 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.

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

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.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows

Wiltshire Council's land drainage bylaws can be downloaded [here](#). The land drainage consent application form and guidance notes can be found on our website [here](#).

The applicant should note that LDC will be required for both the surface water and sewage treatment outlet discharges. For the sewage treatment outlet LDC, the applicant will need to include evidence that the General Binding Rules have been met.

- 3) In relation to Condition 8 above, the watching brief should comprise the archaeological monitoring and recording of any ground works that have the potential to impact on buried archaeological remains. The programme of archaeological work will conclude with the preparation of a report on the results of the exercise.

48 **PL/2023/03024 - East Farm, Codford St Mary , Wiltshire , BA12 0LN**

Public Participation

Phillippa Gatehouse spoke in support of the application.

Josh Stratton spoke in support of the application.

David Cox, Senior Planning Officer, introduced a report which recommended that the application for the installation of a solar photovoltaic scheme together with landscaping and associated infrastructure be approved with conditions.

One of the key planning issues was the principle of development, in particular:

- i. Renewable Energy;
- ii. Whether the proposal would result in the loss of best and most versatile agricultural land;
- iii. Cumulative Impact of Solar Farms in Wiltshire.

The officer described the site and the application. The site had already had phases of solar panels built upon it, and with this application, which would generate 18MW, it would take the energy production up to 48.8 MW overall. The site was located on Salisbury Plain between Codford St Mary and Chitterne. The application site was approximately 22 hectares, however there was an access track and cable route which extended for about 3km towards Codford.

The applicant had undertaken a survey and provided an Environmental Statement which gave details regarding the land. Approximately 3.4 hectares (approx. 15%) was classified as grade 3a (good quality agricultural land) with the rest being grade 3b (moderate quality agricultural land) and grade 4 (poor quality agricultural land). So, the majority of the land was not classified as the best and most versatile.

Tree cover would be extended on the boundaries of the site to help screen it from view. There were very few solar schemes in the South of Wiltshire and therefore the cumulative impact was considered to be acceptable.

Members of the committee then had the opportunity to ask technical questions of the officer. Details were sought on the lack of responses to the consultation other than from statutory consultees and how the locals and neighbours were notified. Further questions were asked in relation to whether this was a valued landscape and whether saved policy C3 from the West Wiltshire District Plan, had any weight. Clarity was also sought on the level of harm caused by the application and the various policies that applied to this application. Members queried how many solar panels would provide the 18MW, and it was stated that there would be 72,000 solar panels.

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

The unitary division member, Cllr Christopher Newbury (Wylve Valley), then spoke to the application. Cllr Newbury felt that the planners and the applicant had tried to undertake local consultation, however requested that in future the planning team should put site notices closer to the site. Cllr Newbury stated that in his opinion this was not the worst solar farm application he had seen when compared to some others in Wiltshire as it was not close to people's houses. It was however a large solar farm and he had concerns regarding how the officers

had interpreted the policies. Cllr Newbury noted that the national landscapes officer had objected to the application. Cllr Newbury considered that the Wiltshire Core Strategy did not have a 'social benefit' policy in relation to renewable energy, but the planning officer stated it was part of the NPPF considerations. Cllr Newbury stated that he was not going to propose a refusal motion but may vote against the application as a matter of principal.

Cllr Pip Ridout, seconded by Cllr Adrain Foster proposed a motion that the application be approved, with conditions, as per the officer recommendation.

A debate followed where Members discussed the need for farms to diversify and future proof their incomes. Members also highlighted that this would help to address climate change, and that most of the solar farms in Wiltshire were in the North of the county. Members were generally supportive of the application. Following the debate the motion was put to the vote and it was,

Resolved

That full planning permission be 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 development hereby permitted shall be carried out in accordance with the following approved plans and details:**

Environmental Statement - Non-Technical Summary

Environmental Statement - Chapters 1-5

Environmental Statement - Chapter 6 Landscape and Visual Impact Assessment

Environmental Statement - Chapter 7 Historic Environment

Environmental Statement - Chapter 8 Agricultural Land

Environmental Statement - Chapter 9 Conclusions

Environmental Statement - Appendix 1.1 Scoping Report

Environmental Statement - Appendix 1.2 Scoping Opinion

Environmental Statement - Appendix 2.1 Construction and Environmental Management Plan (CEMP)

Environmental Statement - Appendix 2.2 Landscape and Ecological Management Plan (LEMP)

Environmental Statement - Appendix 7.1 Historic Environment Assessment

Environmental Statement - Appendix 7.2 Cable Route (Scoping Report)

Environmental Statement - Appendix 7.2 Archaeology Trial Trenching
Environmental Statement - Appendix 8.1 Agricultural land Classification Report
Environmental Statement - Photo sheets 1-19 Viewpoint Photography
Design and Access Statement
Habitat Regulations Assessment (Stone Curlew), Date: 10/05/2023 by Daniel Ahern Ecology
Habitat Regulations Assessment (River Avon) Date: 10/04/2023 by Daniel Ahern Ecology
Transport Statement
Ecological Impact Assessment Phase 4 - Codford Solar Farm, Date: May 2023 by Daniel Ahern Ecology
Preliminary Ecological Appraisal of Land South of Chitterne – Cable Route, Date: November 2022 by Daniel Ahern Ecology
Preliminary Ecological Appraisal Version 1.0 – dated September 2021- Daniel Ahern Ecology
Bio-diversity Metric Calculations Tool 131223 (1) 4367 & (2) 4367
Flood Risk Assessment and Drainage Strategy
Site Location Plan (AEM018-SP-01_rev04); PV panel Cross Section (AEM018-SD-01_rev05);
Typical PV Panel Cross Section (AEM018-SD-02_rev01); Container Elevations (Battery Transformer and Customer Switchgear (AEM018-SD-03_rev03); Internal Access Track (AEM018-SD-04_rev01); Cable Route Plan (STR_20.22_PV4 Rev 2); and Deer Fence Detail (252 – 3) -all received 10 May 2023

Site Layout Plan (AEM018-PL-01_rev09); Proposed Battery Section Drawing (AEM018-EL-01_rev04) – received 17 May 2023

Solar Panel Manufacturer Details – Deep blue 3.0 – received 19 May 2023

Baseline Map (crop plan); Addendum to CEMP app B (J M Stratton and Co); Addendum to LEMP and ES Statement Addendum to LEMP (Landscape Proposal Plan (Fig 6.3); Framework CEMP (by Chapman Lily Planning Ltd (dated 28 April 2024); CEMP addendum App A (RSPB email); and Addendum to LEMP App 1 Figure 6.3 Mitigation rev C – all received 5 April 2024

Addendum to Environmental Statement and Design and Access Statement – Dated and received 9 April – removing ‘credit scheme’ references from the documents.

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

3. No development shall commence on site until an updated Landscape and Ecology Management Plan (LEMP) has been

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.

4. No development shall commence on site until an Archaeological Management Plan (AMP) has been submitted to and approved by the Local Planning Authority. The AMP is to set out how archaeological Site 49 (as delimited in Chapter 7: 'Historic Environment' of the document entitled 'Codford Solar Farm – Phase 4 – Environmental Statement' that was attached to the application) is to be protected from physical impacts during the developmental and operational phases of the proposals.

REASON: To enable the protection of any matters of archaeological interest.

5. No development shall commence on site 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: To enable the recording of any matters of archaeological interest.

NOTE: The AMP and the SMS excavation and any archaeological monitoring are to be prepared and carried out by qualified archaeologists following the standards and guidelines of the Chartered Institute for Archaeologists (CIfA).

6. No development shall commence on site until a Construction Method Statement, which shall include the following –

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from construction works; and
- measures for the protection of the natural environment.
- hours of construction, including deliveries; and a
- Pre-condition Survey: A photographic pre-condition (and post condition) highway survey;

shall be 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 Statement without the prior written approval of the Local Planning Authority.

REASON: 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.

NOTE: The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

7. The development shall be carried out in strict accordance with the following documents:

- Construction Environment Management Plan Including CTMP, Land south-east of Chitterne Dairy, Date: 28.04.24 by Chapman Lily Planning Ltd
- Letter: Re: response to RSPB comments on Planning Application ref: PL/2023/03024, by J M Stratton & Co. Planning portal file name: "CEMP addendum App.B"

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

8. A CEMP compliance report shall be submitted the Local Planning Authority no later than the earliest of the following; three months after the completion of the development, or, the scheme becoming operational. The compliance report is to be completed by a suitably qualified ecologist/ECoW and to include photographic evidence.

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

9. In the event that the development ceases to be operational, then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with a Decommissioning Plan to be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning, and within six months of the cessation of the use of the site.

REASON: In the interests of amenity of the Special Landscape Area and the circumstances of the use.

10. Prior to the development hereby approved being decommissioned, the applicant shall submit an ecological assessment and mitigation report for approval by the Local Planning Authority. The site shall then be decommissioned in accordance with the approved details.

REASON: To ensure that protected species are not harmed through the removal of the equipment having regard to guidance contained in the NPPF.

11. No external light fixture or fitting shall be installed within the application site unless details of any existing and proposed new lighting has 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. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving biodiversity.

12. 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.

13. All landscape planting shall be undertaken in accordance with the Landscape Proposals – Mitigation plan (Figure 6.3) on page 43 of Chapter 6 of the Environmental Statement – Landscape and Visual Impact Assessment and maintained as such thereafter.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or in accordance with a programme to be agreed in writing with 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.

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 and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.

13. All deliveries of solar panels and any other associated construction materials of the development hereby approved shall be confined to between the hours of:

0730 to 1800 Mondays to Fridays; and at no times on weekends or bank holidays

REASON: In the interests of neighbouring amenity.

INFORMATIVE:

1. The applicants are respectfully advised that the proposed soft landscaping (the native woodland belt and native mixed field hedge) must be maintained as to not interfere or obstruct CHIT13 or CHIT14.

49 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 1.40 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
14th August 2024**

There are no Planning Appeals Received between 28/06/2024 and 02/08/2024 relating to Decisions made at Strategic Committee

Planning Appeals Decided between 28/06/2024 and 02/08/2024 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/2022/05221	Clackhill Yard, Bradenstoke, Wiltshire, SN14 4ES	Lyneham and Bradenstoke	Change of use of land to private Gypsy / Traveller site and associated works	SPC	Hearing	Approve with Conditions	Allowed with Conditions	11/07/2024	None

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 August 2024
Application Number	20/11598/OUT
Site Address	Land east of Church Road, Laverstock, Salisbury
Proposal	Outline application (all matters reserved except external access) The erection of up-to 49 dwellings, accesses from Church Road, Green Infrastructure including landscaping and children's play, a sustainable urban drainage system and utility buildings (amended description).
Applicant	Hallam Land Management & Velcourt Group Ltd
Town/Parish Council	Laverstock and Ford Parish Council
Electoral Division	LAVERSTOCK AND FORD – Cllr Ian McLennan
Type of application	Outline
Case Officer	Lynda King

Reason for the application being considered by Committee

The application has been called to Committee by Cllr McLennan 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

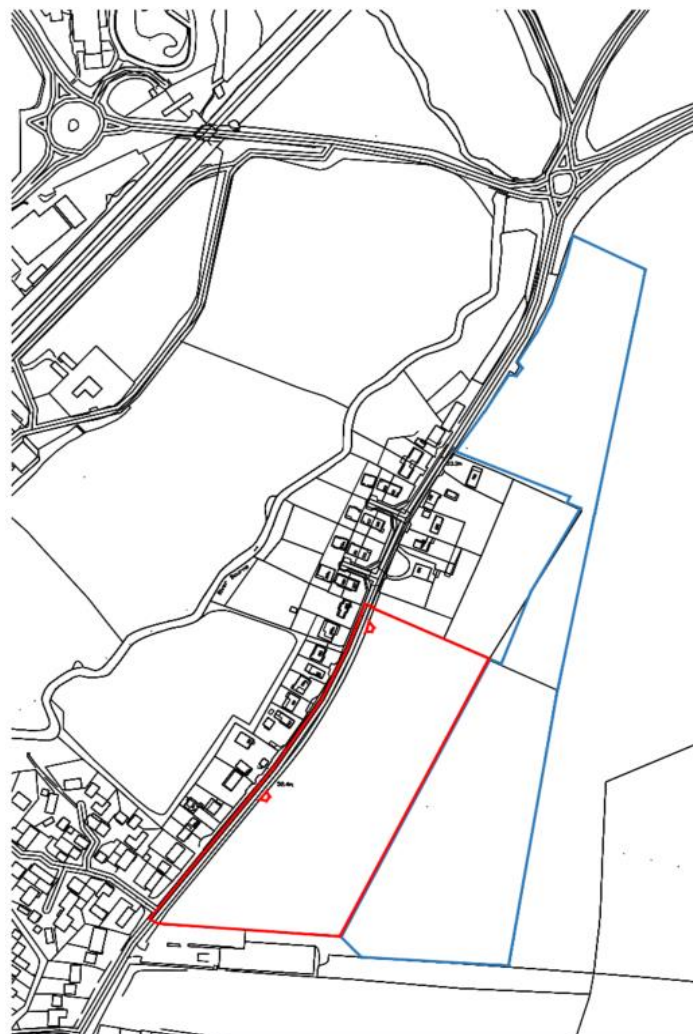
The application has generated objections from Laverstock & Ford Parish Council, and will be referred to later in the report, as well as over 400 letters of objection from individuals, many of whom have made more than one comment on the proposals.

3. Site Description

The site consists of an area of agricultural land fronting Church Road, Laverstock. The road forms the western boundary of the site with the opposite side being fronted by one and two storey dwellings. To the rear of these dwellings are further dwellings, open space and the River Bourne.

The application site is bounded by existing hedgerows along the north and south boundaries, and with the boundary to Church Road having a partial hedge along the road frontage. There is currently no planting along the eastern boundary. To the north of this field is a small group of residential properties and to the south is an employment building and the playing fields associated with St Edmund's Girls School and Wyvern College. The land to the east backs onto open countryside, with the slopes of Cocky and Laverstock Downs rising above it. The Downs are publicly accessible land and are a Site of Special Scientific Interest (SSSI).

The land edged in blue on the location plan below is the extent of the site when originally submitted for up to 135 dwellings and associated open space, allotments and Suitable Alternative Natural Green Space (SANG). The application has been significantly amended since it was first submitted to now propose up to 49 dwellings, open space and access. The application discussions are set out in more detail below.



Location plan

4. Relevant Planning History

None.

5. The Proposal

This application, which is in Outline with all matters reserved except for access, proposes the erection of up-to 49 dwellings, accesses from Church Road, Green Infrastructure including landscaping and children's play, a sustainable urban drainage system and utility buildings on 3.11ha of land.

The scheme, when originally submitted, proposed 135 dwellings, a 50 space car park, allotments, landscaping, play space, a sustainable urban drainage system and utility buildings. The scheme has been amended by the applicants to accord with the provisions of the emerging policy 30 of the Revised Local Plan.

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

CP76 – Flood risk

Wiltshire Housing Site Allocations Plan (2020)

Wiltshire Design Guide (2024)

Laverstock and Ford Neighbourhood Plan (2022)

7. Summary of consultation responses

Laverstock and Ford Parish Council – Objection for the following reasons:

- The application is premature in relation to the emerging Wiltshire Local Plan and would prejudice the plan making process.
- Contravention of existing and emerging spatial planning policies
- Lack of local needs for housing
- Development ‘creep’
- Adverse impacts on landscape sensitivity
- Adverse impacts on vehicular and pedestrian traffic

Prematurity in Relation to the Emerging Local Plan –

The application relies heavily in the emerging Wiltshire Local Plan (draft LP), Policy 30, and if the published Local Plan timeline is adhered to the Plan is likely to be submitted to the Secretary of State for inspection before the end of this year. Policy 30 was not publicly consulted on in the previous Regulation 18 consultation and so the Regulation 19 consultation has been the first opportunity for the local population to be consulted and for the policy to be tested in any way. There has been a large number of objections to the policy and, if Wiltshire Council does not choose to withdraw it, it will undoubtedly be tested before the Planning Inspector. To accept this Planning Application based on policy 30 at the current time would prejudice this aspect of the Local Plan making process, and thus the Application is premature.

Contravention of Existing and Emerging Spatial Planning Policies –

The covering letter of the Outline PA 20/11598/OUT (PA) seeks to promote the PA as in accord with the draft LP, policy 30 which allocates up to 50 houses to the Church Road site. The National Planning Policy Framework, 2023 (NPPF) para 48 b states, the Local Planning Authority may give weight to policies in emerging plans according to the extent to which there are unresolved objections to relevant policies. In this case there is a large number of unresolved objections to Policy 30 including one submitted by the Parish Council based on the advice of a planning barrister. Therefore, at this point in the process Policy 30 should be given less weight than Policy 1 which is itself based upon the established and tested Core Policy 2 from the previous Local Plan.

If the draft LP conditions apply then the PA contravenes policy 1:

- a) Laverstock is identified as a Small Village (draft LP para 4.159)*
- b) Small Villages are defined as having (draft LP para 3.14) “a low level of services and facilities” which “may accommodate some very modest development . . .” including “infill.”*
- c) “Development at Small Villages will be limited to respond to local needs and to contribute to their vitality.” (draft LP Policy 1). As set out in the Laverstock and Ford Neighbourhood Plan (NP), local needs are being met from other developments within the Parish.*

d) “At Small Villages, the settlement strategy provides sufficient flexibility for neighbourhood planning groups to meet local housing needs, by a variety of means, at a scale that

preserves the character and setting of a village. . . new housing development will be limited to infill within the built-up area of Small Villages or should be geared towards meeting local affordable needs through exception sites, or up to 20 homes, or 5% of the size of the settlement (whichever is the lower).” (draft LP para 4.213)

If the pre-existing planning conditions apply then the PA choice of site and scale of development contravene Core Policies 1 and 2 of the current Wiltshire Council Core Strategy, namely that Laverstock, which is defined as a Small Village, is limited to infill only (generally 1 or 2 new houses in plots between existing dwellings), unless there is a compelling need within the village for development.

Lack of Local Need for Housing –

As indicated above, Laverstock is categorised as a Small Village in the draft LP which then describes the constraints on development appertaining to Small Villages. However the draft LP also includes Policy 30 which allocates up to 50 houses to the land east of Church Road, Laverstock, not as an exception site and not in order to meet local needs (which would in any case be limited to 20 houses), but as a ‘reasonable alternative’ site for the housing needs of Salisbury. The draft LP contains no policy or condition to enable such an option or resolve the contradiction and the Parish Council has robustly challenged the soundness of the draft LP as a result.

The PA makes no case or claim for meeting the housing needs of Salisbury, which would require at the least a Framework Travel Plan describing sustainable transport links between the site and Salisbury, and the Parish Council rejects totally any claim that this PA is aimed at meeting compelling local needs. The Laverstock and Ford Communities Neighbourhood Plan (NP), Appendix 6 (Assessment of Local Housing Needs) concludes (pp.2,3) “A review of available evidence strongly indicates that the local need for affordable housing in the parish is low in both absolute and relative terms. This need is being addressed by the recent (and continuing) extensive programme of house building within the Parish and the requirement of Wiltshire Council for 40% of units to be in the form of affordable housing.” Even the draft LP Policy 30 did not argue that the policy was intended to meet local needs.

Development ‘Creep’ –

If the draft LP were to be declared sound notwithstanding its overtly contradictory policies 1 and 30, and the assessments contained within the NP are to be so quickly and easily discounted then the Parish Council is deeply sceptical about the capacity of this PA to limit the development to 49 houses on a 3.11ha site for the foreseeable future. The draft LP, Sustainability Appraisal (SA) Annex 2.11 relating to SA Objective 8 (Conserve and enhance the character and quality of rural and urban landscapes) shares this concern: “Potential for development to result in expansion of Laverstock to the east of Church Road that would alter the rural character and sense of separation from the hillside of Cockey Down.”

The initial (2020) application envisaged 135 houses on a 3.6ha footprint within an overall site of 7.91ha and there is no indication in the revised PA that such a target is not the ultimate ambition of the developer. Once up to 49 houses are allocated and built, many of the arguments around landscape sensitivity, Small Village and ‘semi-rural’ are weakened while arguments around meeting housing density targets in line with local planning policy become stronger, thereby making applications for further development harder to resist and reject. In the absence of safeguards limiting further development on and adjacent to the site, the Parish Council concludes that this Outline PA is, in effect, a “Trojan Horse”: development ‘creep’ becomes inevitable.

Adverse Impacts on Landscape Sensitivity –

The NP includes a Landscape Sensitivity Assessment (LSA) which identifies the land at Church Road as of medium to high visual sensitivity, adjoining land of high sensitivity. Regarding potential development on the Church Road site, the LSA comments:

“Large scale development in any of these areas is not recommended, but individual or small developments where there is local enclosure through topography or vegetation may be possible. Any development along Church Road should be in a series of clusters to allow the views of the Downs beyond to still be viewed between any houses, in a similar way to the closes on the other side of the road which allow views of the River Bourne. In this way, visual connections will be maintained across this landscape.”

The Outline PA misleadingly suggests in its Parameters Plan that the large development of up to 49 houses in two clusters reflects “recommendations” of the LSA in the NP. The Parameters Plan states:

- *“Development forms two clusters of development in accordance with the recommendations in the Landscape Sensitivity Assessment for Laverstock and Ford Parish, Wiltshire – (Landshape 23 June 2020)”; and*
- *“Green space between development clusters maintains the ‘visual gap’ described in the Landscape Sensitivity Assessment for Laverstock and Ford Parish, Wiltshire and allows views through development towards Cockey Down.”*

The LSA actually states the opposite, “Large scale development in any of these areas is NOT RECOMMENDED”. The LSA goes on to state, “individual or small developments where there is local enclosure through topography or vegetation may be possible.” Firstly the LSA states “may” not “will” be possible. Any development on such sites is predicated on local need, and the section above has already argued there is none. Secondly, the LSA states that any such permitted development needs to be constrained to “individual or small”.

The closes referred to are two in number, each consisting of only of four houses: two facing pairs along a short drive so that the narrowest elevation of each house faces Church Road, thus minimizing the visual obstruction of the River Bourne and its water meadows. The PA is for up to 49 houses in two clusters with a central gap containing, according to the Parameters Plan, a “Centrally located and accessible play area.” The proposed gap is less than one third the existing frontage of the Church Road site. The visual connection with the landscape is thus reduced from a panorama to a doorway flanked by urban development and the foreground “visual gap” is described in terms indistinguishable from any urban green space and play area which is a far cry from the NP in terms of scale and layout, and effectively invalidates any description of Laverstock as ‘semi-rural’.

That Laverstock is a Small Village and ‘semi-rural’ is one of the reasons people are attracted to the area. It is not urban or suburban or even semi-urban but semi-rural, encouraging the natural surroundings to break into the built environment. As Gallent et al* observe, “The fringe is often viewed as periurban but as being strongly influenced by urban pressure and process.

But there is an alternative view: that the fringe is perirural and within the rural rather than within the urban.” * *Planning on the Edge: England’s Rural-Urban Fringe and Spatial Planning Agenda: Gallent N, Bianconi M, Andersson J; May 2006 Environmental and Planning B Planning and Design; 33(3):457-476*

The SAs relevant to the draft LP policy 30, proposing the allocation of up to 50 houses on this site, are equally relevant to this PA.

SA Objective 8 considers the site to be a “locally valued landscape,” and the feedback we have received as a Parish Council since the draft LP was published shows the significance very many local residents attach to this landscape and the role this site plays in connecting the village into its rural setting. The road frontage at this point on Church Road is not only valued but is the only unobstructed window onto the Downs now available for people entering the village from the North (and for residents of Salisbury City living on elevated ground to the West). It is, in the words of the draft LP, Sites Landscape Appraisals, a “quintessential view” and the feedback would indicate that this vista has therapeutic, aesthetic, environmental and symbolic significance for residents, embodying the key features of the “semi-rural” village. The Parish Council considers the PA allocation of up to 49 houses to the space will obstruct and adversely restrict the window and render the experience of those travelling southwards along Church Road little different from any urban environment with parks, green spaces and mere glimpses of distant views. The PA would not therefore “conserve and enhance the character and quality of rural and urban landscapes, maintaining and strengthening local distinctiveness and sense of place.” Nor would it, “maintain the character of the landscape when viewed from both inside and outside the Parish” in accordance with NP Policy 2. This adverse impact would be compounded by the further urbanization of the village from any physical expansion of the schools on Church Road required to accommodate the number of pupils generated by the development.

SA Annex 2.11 relating to SA Objective 1 (Preservation and enhancement of biodiversity etc.) includes the following statements:

- “Residential development at the site, in close proximity to the river would potentially lead to an increase in recreational / visitor pressure which could give rise to adverse effects on the river and its associated riparian habitat, as well as upon the species it supports. A mitigation strategy will be required to address impacts on the River Avon SAC.”
- “Cockey Down SSSI and Cockey Down Chalk CWS lies to the immediate east of the proposed allocation site and could be subject to adverse effects during construction as well as during operation. A public right of way runs through both the SSSI and CWS meaning development at the proposed allocation site would be likely lead to an increase in visitor / recreational pressure and a deterioration of the sites over time.”
- “Laverstock Down CWS lies 370m south-east of the site. This CWS is contiguous with Cockey Down Chalk CWS and would also likely be subject to additional visitor / recreational pressure as a result of development at this site. There are several other SSSIs and CWSs within a short distance of the proposed allocation site that are accessible either on foot or via a short car journey, and which could also suffer increased visitor / recreational pressure as a result of development at this site.”
- “... It’s unlikely to be possible to completely deter additional visits to the designated site by residents of a development at the proposed allocation site and therefore, that the potential for adverse effects could not be entirely offset.” “Overall a moderate adverse effect is considered likely against this objective.” SA Objective 2 (Ensure efficient and effective use of land and the use of suitably located previously developed land and buildings), adds: “Development of this site would lead to a significant, permanent loss of Grade 3 agricultural land.”

The SA concedes that the potential for adverse effects could not be entirely offset. The Parish Council takes the view that no mitigation strategies will be sufficiently robust to constrain the adverse effects to “moderate” regarding the objective of protecting and enhancing biodiversity on this site or compliance with the mitigation strategy for the New Forest protected sites.

SA Annex 2.11 relating to SA Objective 8 (Conserve and enhance the character and quality of rural and urban landscapes) includes the following statements:

- Potential for built form to be intrusive in the rural landscape setting and alter the character of the distinctive views of Salisbury on the approach from the northeast. Potential for built form to be conspicuous on the rising slopes that form the rural backdrop and context to the existing settlement of Laverstock and northeast of Salisbury.*
- Potential for development to result in expansion of Laverstock to the east of Church Road that would alter the rural character and sense of separation from the hillside of Cockey Down.*
- Potential for inappropriate screening planting that would be uncharacteristic in the landscape.*
- Potential change from a rural to urban context for visitors to Cockey Down nature reserve.*
- Potential loss of hedgerow boundaries, shrubs, trees and woodland that contribute to green links through the local landscape to link river valley vegetation and woodland in the wider context. “*

○

The Parish Council considers the PA fails to provide sufficient and relevant evidence of the magnitude to which its proposed mitigating measures will realistically offset (and the extent to which they will not offset) the ‘moderate adverse effect’ identified in the draft LP. The fact that the supporting landscape assessment does not even refer to the made NP for the area indicates that the applicants have failed to have regard for the plan.

Adverse Impacts on Vehicular and Pedestrian Traffic –

One of the most frequent concerns that local residents have raised to us about the site is the impact of development on the existing traffic problems that are experienced on the road at the start and end of the school day. These are identified in section 7.1.2 of the NP and photographic examples are provided in Appendix 1. Church Road is insufficiently wide to allow traffic to flow in both directions around parked cars and this is the cause of significant congestion, pollution and incidences of dangerous driving at the start and end of the school day. As there is not scope for discrete right turn lanes for East bound traffic into the two entrances to this development this site could potentially add significantly to these problems as traffic queues for an opportunity to turn right into any new development on the site. These issues do not appear to have been considered in the sustainability assessment or elsewhere.

The draft LP, SA objective 11 (Reduce the need to travel and promote more sustainable transport choices) quotes Paragraph 73 of the NPPF (para 74 (b) of the revised 2023 NPPF), which states:

“that when planning for larger scale development, authorities should “ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself.” Similarly, paragraph 105 of the NPPF (109 2023 NPPF) provides that “Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”

There are clearly no services and employment opportunities included in the PA within the development itself, and NP, Appendix 6 (Assessment of Local Housing Needs) concludes (pp.2,3) "A review of available evidence strongly indicates that the local need for affordable housing in the parish is low in both absolute and relative terms." It is therefore reasonable to expect new residents to travel for services and employment opportunities. The site is at a distance from retail and employment opportunities in Salisbury City Centre, the A36 Southampton Road Retail Park, The A30 London Road and scientific and military establishments to the North of Laverstock. The draft LP also indicates that school age residents may have to travel for education.

Transport Assessment–

The Parish Council considers the PA Transport Assessment (TA) to be substantially flawed and fails to accurately assess the adverse impact of the development on significantly increased private car use. Furthermore, the Parish Council considers the TA to be misleading in its assessment of the impact of the development on local traffic.

The Manual Traffic Surveys (TA Part 3), include the period of school drop-off by covering the period 0730 to 0930 but exclude the school pick-up time, covering only 1630 to 1830. The omission results in conclusions skewed in favour of sustainability and is far from accurate.

The Highway Network considered in TA Part 2 (Fig 4.8) includes the junction of Church Road with the A30 to the north and with the A36 to the south but excludes the junction with the A36 Southampton Road at Petersfinger, accessed via Manor Farm Road and Milford Mill Road.

Milford Mill Road, compared with its alternatives, provides a shorter distance and faster travel time between Laverstock and the A36 Southampton Road and gives access to a substantial range of employment and retail opportunities as well as a faster route to the New Forest and Southampton. Because of traffic congestion in Salisbury, the road is a major 'rat-run' for Salisbury traffic in both directions. It is narrow; contains two 'pinch points' (the medieval bridge, and the railway arch at Petersfinger); suffers from irregular, potholed edges; is prone to regular flooding throughout the year from frequent run-off and occasional overflows of the River Bourne; and is subject to a 20mph speed limit.

Flooding is an intractable problem on Milford Mill Road: a Wiltshire Council written response to pre-submitted questions from the Parish Council for a 'Highways Matters' event on 22 February 2024, stated, "The land surrounding Milford Mill Road forms part of the flood plain. The surface level of the carriageway is very little different to that of the surrounding land and as such is prone to flooding. There is a proposed scheme to improve the way that water discharges from our drainage system to the river. While this will make a positive impact on flooding, it will not prevent floods from occurring."

Use of the road as an access route to and from the Church Road site receives no mention, and certainly no impact assessment. The Parish Council consider this to be a substantial and major omission from the TA for the site and considers the road is most unsuitable for the increased weight of traffic generated by up to 49 additional houses on Church Road.

NPPF (2023) paragraph 115 states, "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."

The Parish Council considers Milford Mill Road most unsuitable to absorb the impact from up to 49 houses on the proposed site. Furthermore, it considers the cumulative impacts on Milford Mill Road and the historic medieval bridge will indeed be severe from the proposed site when combined with the following Planning Applications under consultation:

- *PL/2023/10495 (Conversion of Elmfield House and outbuildings to 6 x dwellings and the erection of 15 dwellings);*
- *PL/01200/FUL (Erect 19 no. new houses to create a new retirement estate and community, incorporating existing scheme of 4no. dwellings), both at Petersfinger; and*
- *PL/2023/07368, Old Sarum Airfield (allocating 155 houses at Ford).*

Access between the A36 Southampton Road and the A30/A338 (including the village of Ford), and access between the A36 Southampton Road and the schools on Church Road, has historically strongly favoured the 'rat-run' along Milford Mill Road, Manor Farm Road, and Laverstock Road over the A36 Southampton Road - Churchill Way - A30 London Road (or Waina-long Road, Laverstock Road). A Transport Assessment for the addition of, potentially, 245 houses across four sites cannot be done piecemeal except on a 'first come, first served' basis which would place an unrealistic burden on individual developers to revise their TA in the light of each emerging, newly granted planning permission. The TA for the Church Road site contains no assessment of the site in the context of a wider set of site developments, which, in our opinion, renders its conclusions and mitigating factors valueless. The Parish Council considers a Transport Assessment for the Laverstock local road network must be considered in its entirety. Sadly, this is an omission in the draft LP.

The TA Part 1 Figure 4.2 illustrates walking isochrones for 800m and 2k, measured from the centre of the (initial) site. The Parish Council acknowledges that TAs tend to follow generic models, accepted by planning officers. Nonetheless in small villages, the impact from and on unique local conditions can have a critical effect on individual behaviours which is not reflected in the model.

Even at a generic level of modelling, the impacts could be more accurately estimated. The Chartered Institute of Highways and Transportation has published guidance (Planning for Walking 2015) which states that about 80 per cent of journeys shorter than 1 mile are made wholly on foot. For journeys that are 1 to 2 miles long, 26 per cent are made on foot. Applying such multipliers to the 800m (0.5mile) and 2k (1.24 miles) isochrones offers a more accurate model of the number of potential journeys on foot, which would correspondingly increase the potential vehicular traffic impact.

The Site Accessibility Audit references in support of its modelling the IHT document ('Guidelines for Providing for Journeys on Foot 2000') but omits the factors impacting acceptable walking distances contained in the Guidelines. The IHT Guidelines note that walking distances are impacted by factors such as age, ability, encumbrances (shopping, pushchairs), journey purpose, time savings, convenience, personal motivation. The TA omits any demographic modelling / assumptions of potential residents and potential impact on walking journeys.

The village of Laverstock is unique for its size in having four schools (Primary and Secondary) on Church Road within some 800m of the proposed development and so are within accessible walking distance. The TA paragraph 4.3.7 states that the 800m and 2km walking isochrones from the site, "roughly equate to a 10-minute and 25-minute walk respectively." However, the presence of the schools and the impact of pedestrian numbers and vehicles at school drop-off and pick-up times present a significant hindrance and disincentive to walking (see Appendix 1 below): lengthening walking times and increasing the hazards to pedestrian safety, especially for those with pushchairs and those with mobility or sight/hearing restrictions. The Audit fails to model or acknowledge the impact of school drop-off and pick-up times on the walking speed and/or motivation of site residents to walk and thus on the level of car use at such times.

The TA also attempts no assessment of demand for school places and the capacity of local schools to meet demand. The draft LP, SA objective 10, acknowledges that the local primary school is most likely not capable of meeting the need for the estimated number of early years and primary school places generated by a development of up to 50 houses. Such pupils will therefore be travelling further, "This would most likely be Salisbury primary schools." The draft LP, "Planning for Salisbury" (PFS) p.33 states that meeting the demand for secondary school places generated by the site is dependent on increased capacity on the opposite side of the city, "Sufficiency of secondary school places is dependent upon the timely extension of Sarum Academy (developer contributions)." Based on the draft LP SA data, the site is therefore not sustainable in terms of reducing the need to travel and reducing the need to travel by car in order to access local education.

Primary healthcare is of concern nationally and is reflected locally, particularly, access to GPs and access to NHS dental provision. The draft LP, SA Objective 10, states: "The site is situated approx. 1.1km from Bishopdown Surgery. GP provision in Salisbury was forecast as being subject to a positive capacity gap by 2026, however the closure of one branch surgery in 2020 to relocate services has led to issues. Negative premises capacity gaps are therefore apparent within the primary care network. There is a planned extension to the hospital. Expanded services are to be offered by Porton and Winterslow branch surgeries following this the closure of the Wilton branch. As a result, . . . there may be some negative effects on the capacity of individual surgeries. The location and constrained capacity of local surgeries inevitably requires journeys by car or by long and unreliable public transport."

The history of the Old Sarum and Bishopdown Farm developments gives clear evidence that health provision cannot be attracted out to the edges. While the NHS nationally is seeking to invest in expanded provision, it will take time to realise any benefits and the BMA points out that the supply side of the equation will be a limiting factor for the foreseeable future. The site is therefore not sustainable in terms of access to primary healthcare provision reducing the need to travel and reducing the need to travel by car, whatever the theoretical modelling may suggest.

On the accessibility to other amenities by walking or cycling, the draft LP, SA objective 11 states:

"Other than education facilities, Laverstock does not adequately serve its community, leaving long distance walking trips to non-education amenities and employment.

"Cycling is simply accommodated by on carriageway non-compulsory cycle lane facilities and whilst this does represent informal cycle infrastructure provision, such interventions are no longer supported by technical guidance. Furthermore, the on-carriageway cycle lanes only extend along Church Road and terminate at the railway bridge on Laverstock Road to the south and prior to the A30 roundabout in the north. The cycle facilities may therefore only serve cycle accessibility for Laverstock residents and their trips to local schools within Laverstock."

The local bus services within 1k of the site provide no direct routes to Salisbury station and connections with most locations in and around the city are via the centre of Salisbury. The service has been experienced as problematic, with cancellations, delays and staff shortages in the past, serving to lengthen journey times and discouraging those with access to private transport from opting for public transport. Public transport is also more challenging for those accompanying young children, those with mobility issues, or those wishing to undertake family shopping. The lack of convenient access to local amenities and employment serves to emphasise social inequalities.

(The comments of the PC are accompanied by photographs of traffic around the local schools at drop off and pick up times.)

Similar detailed comments were received in respect of the original submission.

WC Archaeology – No objections, subject to conditions

Following the receipt of an exploratory archaeological evaluation of the site, which included 36 trial trenches excavated in the area shown for residential development. The results of the evaluation have enabled the archaeological impacts of this proposal to be established with authority. Several buried archaeological remains were identified across the site. These comprised some Middle/Late Neolithic (3,400 – 2,800 BC) pits, two pits containing Beaker pottery (2,200 - 1,700 BC) and a Roman (AD 43 – 410) ditched enclosure and associated features.

The Neolithic and Beaker pits are particularly notable as they appear to represent the slight and uncommon traces of domestic settlement, outside of the more visible and well-known ceremonial and funerary monuments of these periods in the wider landscape. Such pits often only occur as isolated or small groups of features, so they are often only identified serendipitously as is the case here. They were not identified by the preceding geophysical survey. The presence of a high number of fragmented but unabraded sherds of pottery, animal bone, and charred plant remains plus, in the case of the Beaker pits, two tiny fragments of copper alloy, adds to their significance.

The evaluation also identified a Roman ditched enclosure that runs beyond the application area and under Church Road. A small number of associated features were recorded and few finds, suggesting that the enclosure did not define an area of settlement, although its purpose remains unclear.

Red River Archaeology's report concludes that the prehistoric and Roman remains are in a good state of preservation, and they are of local significance.

I am broadly in agreement with these conclusions although I would consider the Neolithic and Beaker pits to be of more than local significance. However, none of the buried remains are of such significance that they merit preservation in situ subject to appropriate mitigation measures that enable these buried remains to be investigated and recorded prior to their loss. As an outline application, there may be some flexibility in the residential layout to enable areas of archaeology to be preserved in situ should that be considered desirable. The programme of archaeological work can be secured by an appropriately worded condition.

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 phosphate burdens from the development, which is an off-site solution, and a contribution toward mitigation of the recreational pressures from the development on the sensitive New Forest. This equates to £29,400.

WC Education – No requirements for contributions towards Secondary or Primary educational needs. There is a requirement towards the provision of Early Years Education at £105,132 to be secured by legal agreement.

WC Highways – No objection subject to conditions.

The revised plan satisfactorily addresses the required amendments sought in my previous response dated 11 May 2024.

The proposed development now has less dwellings than the previous submitted plans.

There is now clarity that 2 puffin crossings are to be provided on Church Road to facilitate improved active travel facilities, general safety, and convenience for walking in the vicinity of the development.

WC Housing Enabling Team – No objection subject to legal agreement:

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 19 affordable units within a scheme of up to 49 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing. The proposal to provide 19 Affordable Housing units therefore meets the policy requirement. The size and mix of the proposed dwellings will be secured via the S106 agreement.

WC Landscape Officer – Comments

Concerns to ensure that the proposed layout parameters Plan aligns with the emerging Local Plan in light of the site's sensitivity and of its setting. The emerging Local Plan allocation of 50 units aligns with the evidence base set out in the Parish Sensitivity Study (for the Neighbourhood Plan) and the Local Plan Review Landscape Appraisals)

Note :- no comment has been received on the revised Parameters Plan which reduces the scheme to up to 49 dwellings.

WC Open Space – No objection subject to contributions towards Youth and Adult provision and on-site provision of public open space and play provision, to be secured via condition and S106 agreement.

WC Public Protection – No objection, subject to conditions regarding noise mitigation strategy due to proximity of the highway and the adjacent industrial unit as well as a Construction Environmental and Management Plan, Contaminated Land Survey and Air Quality Assessment .

WC Spatial Planning – Comments in relation to original submission.

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. careful consideration should be given to decisions on housing proposals [in the context of housing land supply requirements]. 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.

NOTE:- this comment refers only to the originally submitted scheme for 135 dwellings and pre-dates the identification of the site as a possible housing site for 50 dwellings in the emerging Revised Local Plan (Policy 30).

WC Waste and Recycling – no objection subject to condition and contribution to be collected via S106 of £4,949.

Wessex Water – No objection, provided the water mains from the Cockey Down reservoir are safeguarded and that the development avoids building too close to these facilities.

Esso Petroleum Company – No objection to the proposals as long as ‘Special Requirements for Safe Working’ details are complied with along with the Deed of Grant being adhered to, in respect of the Fawley to Avonmouth apparatus situated near the proposed works.

8. Publicity

This application was advertised through a site notice, press notice and letters to neighbouring properties. In excess of 400 Letters of objection were received raising the following issues:

- Laverstock is defined in the Core Strategy as a Small Village and therefore the level of development proposed is contrary to the Core Strategy, particularly CP1, CP2, CP23, CP51, CP57, CP60 and CP61.
- Laverstock is a separate village and not part of Salisbury. It is only suitable for limited infill development of up to 2/3 dwellings per scheme.
- The location of the access is not safe
- There is a range of wildlife that uses the site and the immediate area, including bats, skylark, yellowhammer and reed buntings.
- 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 east
- The land is prone to being waterlogged.
- The development would lead to the loss of valuable agricultural land.
- The site gives open views over Cockey Down SSSI and Laverstock Downs.
- The proposed pavements do not link to existing paths.
- Building on green space has a negative effect on peoples’ mental health
- 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 schools.
- The area is sensitive for archaeology.
- Church Road is a rat run and heavily congested, especially when the schools turn out. Additional traffic from the proposed dwellings will make this situation even worse.
- The electricity demand will increase due to the need for charging points and heat pumps, which will be noisy.
- Air quality is a killer and any proposal to build over large areas of green field will be detrimental to people’s health
- There will be parking problems in the area.
- Is there going to be any affordable housing? And could one really afford the dwellings?.
- 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.
- The area is designated a Strategic Nature Area and is within the River Avon Special Area of Conservation with no possibility of mitigating the phosphate.
- Contrary to the wishes of the Neighbourhood Plan, which seeks small scale infilling for residential development.
- Concern about the loss of agricultural land regarding food security in this country.
- Reduced quality of sleep for existing residents due to traffic noise and light pollution.
- Existing bus services are not adequate to reduce car usage from the site. It is not quick or easy to walk or cycle into Salisbury from the site.
- There is a water supply from Cockey Down Reservoir crossing the site
- There is an Esso pipeline that crosses the site in an east/west direction.
- Rainwater from Cockey Down is subsumes by the site, will the system proposed for surface water drainage protect the existing dwellings at a lower level in Church Road?
- Object to Policy 30 of the emerging Local Plan.
- Object to the desecration of the chalk downland.
- No need for additional housing in this location
- Question the accuracy of the surveys on Cockey Down visitor numbers as it was carried out in the winter
- Concerned that the form of the subsequent housing development could be too dense and poor quality, detrimental to the physical and mental health of future residents.
- Laverstock has already absorbed a lot of new housing in the parish in recent years.
- The River Bourne is liable to flooding and these additional houses will make the situation worse.

Many of the above comments were re-stated when the scheme was reduced from the originally proposed 135 to the current proposal for up to 49 dwellings.

One letter of support was received

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

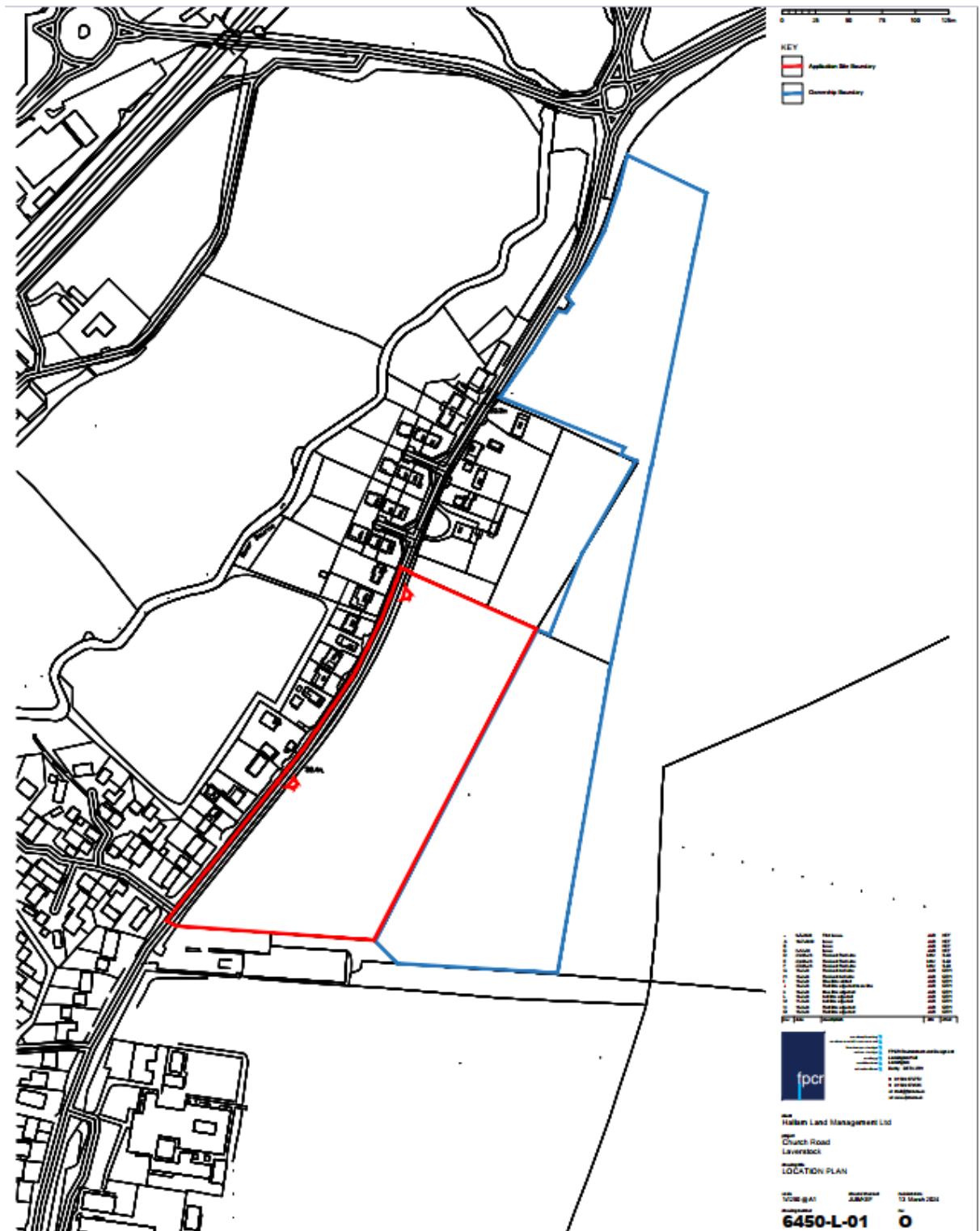
CPRE – Object to the proposal on the grounds that the development, even in its amended form, is out of scale with the character, historic and natural landscape of the area. Laverstock is classified as a Small Village in the emerging Local Plan. The site is of archaeological interest as well.

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.

Principle of development

The application site lies adjacent to existing residential development and an employment site on the northern edge of the village of Laverstock, as shown on the plan below:-



The village is defined as a Small Village in Policy CP23, and Policy CP2 states that :-

Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25, development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

At the Small Villages development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) Respects the existing character and form of the settlement*
- ii) Does not elongate the village or impose development in sensitive landscape areas*
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.*

Therefore, this proposed development is contrary to the provisions of the current Development Plan as it lies outside of any settlement boundary and is of a scale not normally considered appropriate within a Small Village.

However, the site has been identified as suitable for development of up to 50 dwellings in the emerging Wiltshire Local Plan, which is due for submission to the Secretary of State later this year following consideration of the consultation responses received in respect of the Regulation 19 Consultation which took place in the Autumn of 2023. It is anticipated that the Document will be considered by Members in October of this year, and will then become the Council's preferred policy.

The Local Plan sets out Wiltshire Council's strategic vision for growth, providing land to meet objectively assessed development needs. It will make provision for development up to 2028 and will in effect replace the existing Core Strategy, which was adopted in 2015.

The Pre-Submission Draft 2020-2038 (Regulation 19) Document states at para. 2.9 that *The challenge for the Plan is to deliver enough new homes in the right places to meet Wiltshire's objectively assessed housing needs. Providing decent and affordable homes to complement the economic growth being promoted will help improve the self-containment and resilience of Wiltshire's communities. New homes will need to be delivered at appropriate, sustainable locations and must be supported by necessary improvements to infrastructure. Within a predominantly rural area, with a limited amount of previously developed land for redevelopment, the identification of enough strategic sites to ensure an adequate supply of new homes is a challenge.* (underlining added)

The Plan needs to identify land to enable approximately 36,740 new homes to be constructed, and the primary focus for such development is at the Principal Settlements of Trowbridge, Chippenham and Salisbury and the market towns.

Salisbury is identified, in table 3.2, as a Constrained Settlement where the scales of growth are balanced with the need to help each community thrive and work toward the achievement of local priorities. Para 3.41 of the Local Plan states that in these constrained settlements *Scales of growth set by policies for these settlements are achieved factoring a forecast contribution of homes from small sites of less than ten dwellings. This gives added protection to the character and setting of these settlements, by ensuring site allocations on greenfield land are minimised and only released when essential to do so.*

Policy 22 of the emerging Local Plan comments that over the plan period (up to 2038) approximately 4,500 homes will be provided in Salisbury, and that the development will be planned in such a way as to maintain separation and distinctiveness between Salisbury and Wilton, and between Salisbury and adjacent settlements, notably Ford, Laverstock, Britford, Netherhampton and Quidhampton. This Policy sets out that there will be a new allocation for approximately 50 dwellings in Land East of Church Road, Laverstock, amongst other allocations.

The supporting text for the proposed allocation sets out the reasoning behind the allocation, as follows:-

4.159 Approximately 3ha of land East of Church Road, Laverstock is allocated to provide approximately 50 dwellings. New housing creates a modest extension to the village of Laverstock, which although identified as a Small Village is situated adjacent to one of Salisbury's secondary schools and is reasonably well connected to the city centre via a bus route.

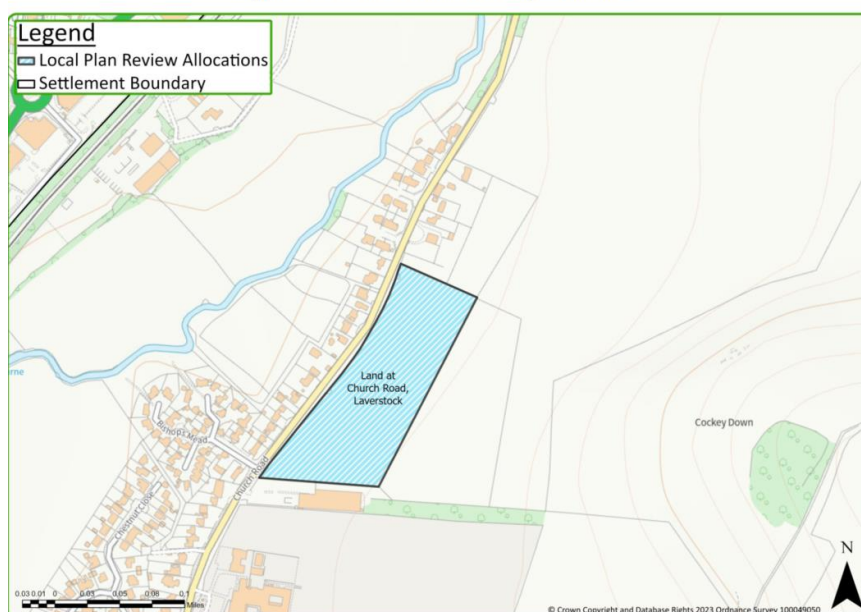
4.160 Development will create an improved urban edge and countryside transition in the approach into Laverstock from the north. Limiting the scale of development here will moreover ensure continued separation and distinctiveness between the villages of Laverstock and Ford.

The wording of the policy itself is as below:-

Policy 30 - Land East of Church Road, Laverstock

Land East of Church Road, Laverstock, as identified on the Policies Map, is allocated for the low-density development of approximately 50 dwellings, between existing linear development to the north and employment uses and Laverstock schools to the south. Infrastructure and mitigation requirements include: vehicular access via Church Road; improvements to cycling and walking routes through, around the site and into the centre of Salisbury, linking into existing networks. The layout of the development shall be sensitively planned to ameliorate landscape impacts; funding contributions toward measures that improve air quality. An assessment will be needed to understand cumulative effects of development on relevant receptors in the Air Quality Management Area, and to identify appropriate mitigation measures; measures aimed at neutralising the levels of phosphates flowing into the River Avon Special Area of Conservation (SAC) to improve water quality; off-site infrastructure reinforcement to improve foul water network capacity where required; a noise assessment to assess the potential impacts of the nearby electronics manufacturing plant and detail any mitigation measures resulting from this assessment; provision of Suitable Alternative Natural Greenspace; and funding contributions towards early years, primary and secondary education.

Figure 4.22 Land at Church Road, Laverstock



It is acknowledged that the application site currently lies outside of any settlement boundary and is therefore classed as being within the open countryside where development is not normally permitted. However, the emerging Local Plan, which has been through the Regulation 19 Pre-Submission stage and is anticipated to be considered by the Council in October of this year, ready for formal submission to the Secretary of State for Examination by an appointed Inspector before the end of the year, is a consideration.

It is understood that no modifications are likely to be made to the proposed allocation following on from the Regulation 19 consultation as the evidence base for the Local Plan does not identify any adverse harms which would preclude the site being allocated and developed for housing at the scale proposed in the Plan, which corresponds to the quantum of development now proposed as part of this application. The scheme, as amended, now accords with the requirements of the emerging Policy 30, as set out above, and the applicant has expressed a willingness to enter into a S106 Agreement to secure the necessary infrastructure to deliver the policy. It is also considered that a development of this relatively small scale would not lead to a prematurity argument that could be sustained at appeal if that argument were to be suggested.

The Council has a current 4 Year Housing Land Supply of 4.2 years, and there is still a requirement for the Authority to maintain a supply of housing sites to support its housing trajectory for the Local Plan Examination. As Members are aware, a failure to maintain an adequate housing land supply opens the Council up to speculative housing development, often granted at appeal, in locations where the Authority would not normally support large scale development. It is considered that supporting this emerging housing allocation site, with a scale of development which accords with the Draft Local Plan and which is largely offering the infrastructure requirements set out in Policy 30, will help to maintain a supply of land to avoid the necessity of planning by appeal elsewhere in the County.

The parish of Laverstock and Ford produced a 'made' Neighbourhood Plan (NP) in 2022 which seeks to recognise the settlement of Laverstock as a Small Village where only small scale infill development is appropriate. This document forms part of the Development Plan. However the production of a revised Local Plan by the Local Planning Authority can introduce new policies that are at odds with the tenet of a Neighbourhood Plan, and para 13 of the NPPF comments that :- *Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies.* Neighbourhood plans should be in conformity with the adopted Development Plan for the area.

Para 14 states that :- *In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68), where that requirement has been identified within five years or less of the date on which the decision is made.*

Para 30 of the NPPF goes on to state that :- *Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict;*

unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

However the Neighbourhood Plan for Laverstock and Ford recognises that:-

The writing of a Neighbourhood Plan for our Parish is made more complicated by its proximity to Salisbury city, which makes it subject to strategic allocation of development sites by Wiltshire Council as part of the current Core Strategy and the recently published Local Plan Review consultation document. Under the current policy and guideline, strategic site allocations can be made which are either within or adjacent to the Salisbury Settlement Boundary. Several parts of the Parish are within this boundary (see Figure 3, P17), namely the Bishopdown Farm/Hampton Park/Riverdown Park area and the Old Sarum/Longhedge Village area. If Wiltshire Council were to decide to make strategic allocations(s) there would be significant limitations on what our Neighbourhood Plan could say about them.

Policy 1 of the NP seeks to protect the distinctive settlement pattern of the parish and comments as part of this policy that:- *The village of Laverstock shall be retained as a discrete settlement. Development proposals must ensure that Laverstock remains separated from the urban edge of Salisbury city to the west by the Green Buffer 2.*

An extract of the relevant plan in the NP shows that the application site lies to the east of the Green Buffer and will not lead to coalescence with Salisbury. The application site is highlighted in yellow on the plan below:-

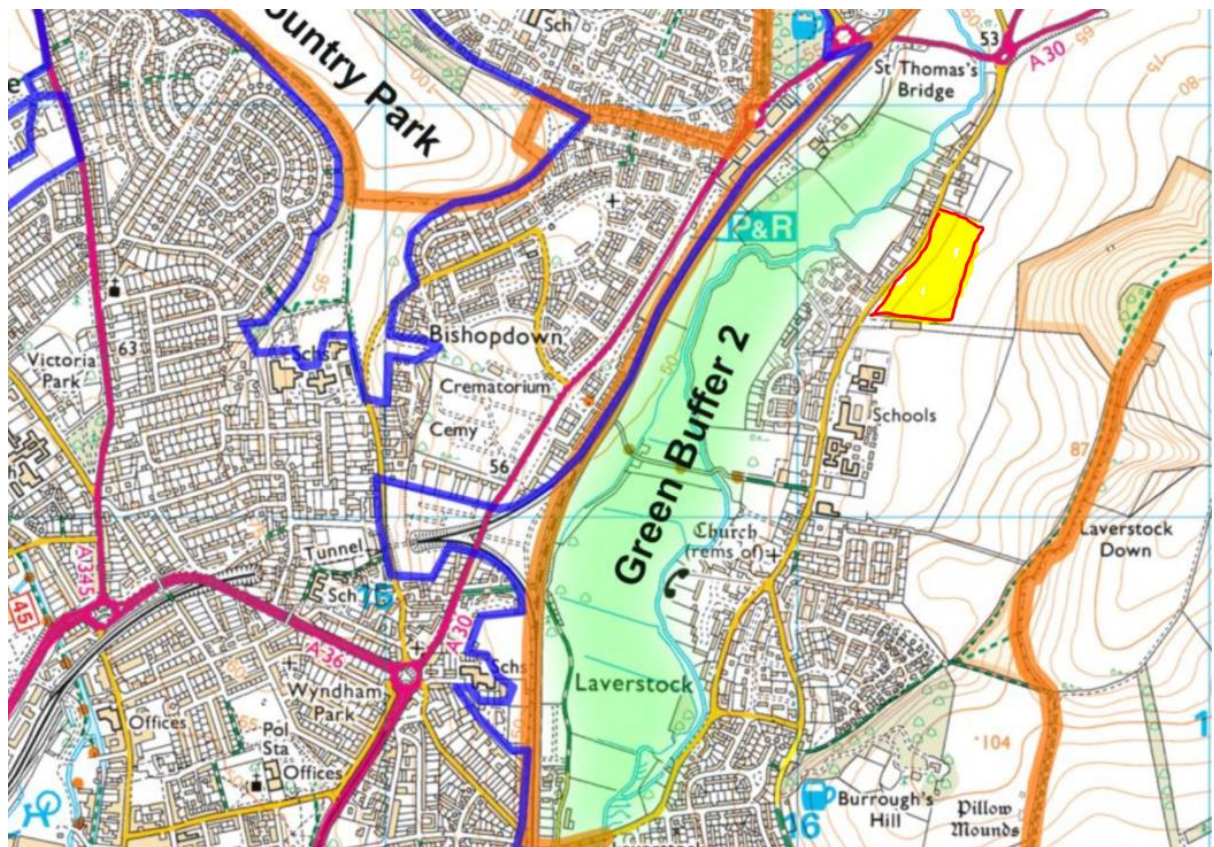


Figure 3 Green Buffers from Laverstock and Ford NP

Policy 2 of the NP seeks to ensure that development proposals shall, appropriately to their scale and location, maintain the visual character of the landscape when viewed

from both within and outside the Parish, have regard to the Landscape Sensitivity Assessment carried out for the Plan, improve wildlife habitats and ensure that any heritage assets affected are suitably dealt with.

It is argued that the proposed development complies with the above aims of the plan in that the form and scale of the development proposed will not adversely impact on the landscape setting of the village, has regard to the Landscape Sensitivity Assessment, as confirmed by the Council's Landscape Officer, and protects and enhances the wildlife on and around the site in accordance with Core Policy 50 and the Habitats Regulations. The Council's Archaeologist is satisfied with the information provided in respect of the heritage impacts of the proposal, subject to conditions.

Policy 4 of the NP sets out principles that any future development, whether in the form of a single dwelling or larger scale, should follow, and which states that it must aim to improve the quality of the built environment of the Parish, maintain or enhance its semi-rural character and help to address the climate emergency.

It is therefore argued that the proposed development does meet those aims, which recognise that larger scale development might be proposed in the Parish, by enhancing the biodiversity of the site, ensuring that the development and the neighbouring properties are not a risk from flooding, will protect and enhance the views to Cockey Down and will provide highway improvements to mitigate the impact of the development on the local highway network, as well as providing opportunities for car-less transport. The scheme will also be required to meet the requirements of minimising its carbon footprint through the provision of EV charging points for the dwellings and water efficiency requirements, as well as minimising the light spill from the site in the interests of the wildlife using the site and nearby land.

The development is therefore considered to be in accord with the Policies set out in the Neighbourhood Plan.

Highway safety

The Council's Highways Officers have concluded that due to the reduced quantum of development now proposed, and with inclusion of a package of physical works in the vicinity of the application site, and a package of further active travel measures proposed then no highway objection is raised to the scheme. It should be noted that following discussions and amendments to the scheme, no objection was raised by the Highways Authority to the larger scheme on the site, subject to conditions and infrastructure improvements.

The physical works proposed are:- the provision of 2 puffin crossings on Church Road including the associated kerbing works, footway works including localised resurfacing of the footway and planing-off of the carriageway 30mm and carriageway resurfacing over the length of the crossing road markings at each crossing locations, road markings and traffic orders.

Provision by the developer of two bus stops with shelters, electronic real time information, raised bus access kerbs, and localised footway adjustments and resurfacing at the bus stop locations.

The active travel measures proposed are:- a Travel Plan based on the submitted Framework Travel Plan including the following measures:-

A £50 cycle voucher per household if requested within 6 months of occupation of the dwelling.

Either one adult 30-day Salisbury Red bus pass (£53) or up to 2 adult 7-day Salisbury Red bus pass (£15 each) + 2 child 7-day bus passes (£14 each) per household.

Consideration was also given to the provision of e-bike and e-car club facilities, but it is considered that this form of provision cannot be justified on this relatively small scale development.

There is therefore no highway objection subject to a recommendation for conditions to be attached should permission be granted and the necessary S106 agreement entered into to secure the above.

It is acknowledged that a significant number of local residents and the Parish Council have raised concerns about the traffic situation along Church Road and the locality around the application site, in particular when the school children are dropped off and picked up. However, the Highways Officers have carefully assessed the proposed development and have concluded that with specific works, as set out above, there is no highway objection to the proposal.

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.

Drainage

The site is not at risk of flooding from any source, such as fluvial, groundwater or surface water according to the Council's Strategic Flood Risk Assessment. It lies in Flood zone 1.

Due to the application site being in excess of 1ha in area, the application is accompanied by a detailed Flood Risk Assessment which has carried out detailed analysis of the site's conditions. 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 and will therefore not lead to problems off-site, a concern raised by a number of local objectors, 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.

Layout and Housing Mix

The scheme, which is in Outline only with all matters other than the point of access reserved, does contain a Parameters Plan which demonstrates how the 49 dwellings could be accommodated with 2 distinct development parcels to the north and south of the site. In-between these parcels would be an area of open greenspace that would maintain views from Church Road to Cocky Down. Buildings would also be set back from the Church Road frontage. A new hedgerow boundary would be established along

the eastern edge of the site where one does not exist at the moment. This approach would ensure that the layout of the proposed development would sensitively respond to the landscape context and be capable of ameliorating any perceived adverse landscape impacts. This is explained in more detail in the updated Landscape and Visual Appraisal Addendum. The Parameters Plan is set out below:-



The application site, as set out above, corresponds to the area of land identified in Policy 30 of the emerging Local Plan.

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. However, the Parameters Plan, which indicates the areas to be developed for housing, and as areas of open space will form part of the approved plans for the scheme.

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 affordable units to be secured via a S106 agreement.

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 does not currently include an illustration of the proposed housing mix, but this is not required at the Outline stage. However, an Informative Note is proposed which requires the Reserved Matters application to be compliant with Policy CP 45 to ensure a suitable housing mix for the site.

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.



Ecological Parameters Plan

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 is revising its mitigation strategy for the above impacts, and it has been concluded that this development will comply and deliver the required mitigation via a contribution of £600 per dwelling, to be secured via the S106 legal agreement, towards the Strategic Access Management and Monitoring scheme and that the development will not lead to adverse effects on the New Forest Protected sites. As the proposal is now for less than 50 dwellings, an on-site Suitable Alternative Natural Greenspace (SANG) is no

longer required in accordance with the Interim Recreation Mitigation Strategy for the New Forest Internationally Protected Sites.

The application site lies within the catchment of the River Avon SAC, and at its closest point the SAC/River Avon System SSSI is located approximately 41m west of the site. Stage 2 HRA (Appropriate Assessment (AA)) of development proposals within the catchment is necessary and planning applications must be accompanied by evidence that development proposals would be phosphorus neutral. It is considered that this site currently falls outside of the Council's agreed phosphate mitigation strategy as it is not planned development as part of the currently adopted Core Strategy.

Therefore the applicants have negotiated with Natural England directly to agree a scheme which would be capable of neutralising the levels of phosphates flowing into the River Avon Special Area of Conservation (SAC) to improve water quality, and a solution was provided for the proposed 135 dwelling proposal which involves taking land out of intensive agricultural use elsewhere in the River Avon catchment and converting the majority of it to woodland. This scheme was agreed as being appropriate and acceptable by Natural England. The Updated Nutrients Assessment (Technical Note 1 Rev 9) and Fallow Land Management Plan (dated 13 February 2024) have been provided by the applicants to demonstrate that this scheme remains appropriate and acceptable to the scale of development now proposed. The difference is the land take required to mitigate the phosphates is much reduced from the scale of the development originally proposed on this site. This scheme would need to be secured via the S106 agreement to ensure that it is delivered and maintained in perpetuity to ensure that the phosphate mitigation can be provided for the proposed residential development.

The site lies adjacent to the Site of Special Scientific Interest of Cockey Down, which is also designated as Cockey Down Chalk County Wildlife Site (CWS), to the west of the site. This is an area of important chalk downland currently managed by the Wiltshire Wildlife Trust. Concern was expressed in relation to the originally proposed scheme for 135 dwellings about the impacts of additional recreational pressured on this fragile habitat from the residents of the new dwellings. However, due to the reduction in scale of the development and the increase in distance of the site from the boundary of the SSSI, along with the provision of a large area of open space within the application site, this concern has been mitigated.

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 and the Council 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
- £105,132 towards the provision of Early Years Education requirement in the catchment.
- Provision of specified on- site equipped play space and casual play space along with the establishment of a Management Company, and a financial contribution of approx. £22,138 to be used for Youth and Adult provision in the village- .
- £4,949 towards the provision of waste and recycling containers for 49 dwellings.
- Phosphate Mitigation Implementation, as set out in the Phosphate Mitigation Report
- New Forest Recreation Mitigation Contribution of £29,400 (plus legal and administration fee to be confirmed)
- Highways
 - A £50 cycle voucher per household (if requested) within 6 months of first occupation of a dwelling.
 - Either one adult 30-day Salisbury Red bus pass (£53) or up to 2 adult 7-day Salisbury Red bus pass (£15 each) + 2 child 7-day bus passes (£14 each) per household at first occupation of a dwelling.
 - Two bus shelters with real time capability

The provision of two controlled crossings will be delivered by the Developer via a Grampian condition and the necessary S278 Agreement with the Highways Authority.

- A contribution towards the Council's costs of drafting the Agreement.

10. Conclusion (the 'Planning Balance')

This planning application proposes the construction of up to 49 dwellings outside of the settlement boundary of the Small Village of Laverstock, 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 can currently only demonstrate a 4.2 year housing land supply, which is close to the current guidance in the NPPF which requires Local Planning Authorities with an emerging Local Plan to demonstrate a 4 year housing land supply, as opposed to those Councils not in this position to demonstrate a 5 year housing land supply.

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.

It is acknowledged that the application site currently lies outside of any settlement boundary and is therefore classed as being within the open countryside where development is not normally permitted. The emerging Local Plan, which has been through the Regulation 19 Pre-Submission stage and is anticipated to be considered by the Council in October of this year, proposes to allocate the land for housing. However, the emerging Local Plan carries limited weight at this point in time, notably in view of there being objections through the Regulation 19 process to the proposed allocation.

The above said, the Council has a current Housing Land Supply of 4.2 years, and there is still a requirement for the Authority to maintain a supply of housing sites to support its housing trajectory. As the Committee is aware, a failure to maintain an adequate housing land supply opens the Council up to speculative housing development, often granted at appeal, in locations where the Authority would not normally support large scale development. It is considered that supporting this potential emerging housing allocation site, with a scale of development which accords with the emerging Local Plan and which is largely offering the infrastructure requirements set out in Policy 30, will help to maintain a supply of land to avoid the necessity of planning by appeal elsewhere in the County.

It is considered that the conflict with the current spatial strategy with regard to the location of the proposed development does not demonstrably and significantly outweigh the benefits of delivering up to 49 dwellings, 40% of which would be affordable, on this site. The application is therefore recommended for approval.

RECOMMENDATION

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

- 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) The development hereby permitted shall be carried out in accordance with the

following approved plans and documents:

Site Location Plan – drawing no.6459-L-01, Rev O, received on 30 April 2024

Proposed Vehicular and Pedestrian Access - drawing no. B14150_SK_T_012_P8, received on 21 May 2024

Parameters Plan- Drawing No 6450_L_05 Rev S, received on 23 April 2024.

Ecological Parameters Plan - Drawing No 6450_E_01, received on 26 February 2024

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) Prior to commencement of development:
 - 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, mud 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) Within 6 months of first use of the development hereby approved a full travel plan shall be submitted based on the framework travel plan. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for three years from the date of first appointment.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

- 16) Prior to first occupation a 2 metre wide footway over the red lined part of the site frontage, and extending a short distance beyond the site frontage southwards to a point as shown on drawing number SK/T/012/P8 shall have been constructed and made permanently available for use by pedestrians, in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: in the interests of safe and convenient pedestrian access to the development.

- 17) Prior to first occupation of any dwelling served by the northernmost access, that access shall have been provided to the specifications set out in the S278

Agreement.

REASON: In the interests of highway safety.

- 18) Before being brought into use the northernmost access to the development shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 43 metres to the north and 43 metres to the south.

REASON: In the interests of highway safety.

- 19) Prior to first occupation of any dwelling served by the southernmost access, that access shall have been provided to the specifications set out in the S278 Agreement.

REASON: In the interests of highway safety.

- 20) Before being brought into use the southernmost access to the development shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to points on the nearside carriageway edge 43 metres to the north and 43 metres to the south.

REASON: In the interests of highway safety.

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

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

- 22) 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

- 23) 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.

- 24) No development shall commence on site until an investigation of the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses (including asbestos) has been carried out and all of the following steps have been complied with to the satisfaction of the Local Planning Authority:

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

Step (ii) If the above report indicates that contamination may be present on, under or potentially affecting the proposed development site from adjacent land, or if evidence of contamination is found, a more detailed site investigation and risk assessment should be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance and a report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

Step (iii) If the report submitted pursuant to step (i) or (ii) indicates that remedial works are required, full details must be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or in accordance with a timetable that has been agreed in writing by the Local Planning Authority as part of the approved remediation scheme. On completion of any required remedial works the applicant shall provide written confirmation to the Local Planning Authority that the works have been completed in accordance with the agreed remediation strategy.

REASON: To reduce the risks associated with land contamination.

- 25) The applicant must undertake an Air Quality Assessment (AQA) or Screening Assessment to be approved by the LPA prior to commencement of construction. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the developments locality. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA.

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate

- 26) 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.

- 27) 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.

- 28) For the avoidance of doubt, the number of dwellings hereby permitted shall not exceed 49.

REASON: To ensure that the development is carried out in accordance with the submitted application details.

Informative Notes

- 29) Reference to S106 Agreement

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.

- 30) 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>

- 31) The applicant should note that archaeological mitigation required by Condition

9 will include the excavation of a number of areas within the site in advance of development, followed by the assessment, analysis, reporting, publication and archiving of the results. The applicant should not under-estimate the programme and resources required to undertake the full programme of archaeological work, and they may wish to seek the advice of their archaeological consultant in this respect, especially in relation to the post-fieldwork assessment, analysis and reporting stages of the programme.

A mitigation strategy could be prepared and agreed in advance of the determination of this application so that the applicant is fully aware of the programme of archaeological work required and the programme and resources required to achieve it. It should also be noted that this site is in a location that is prominent to the general public and passers-by, and it therefore provides an opportunity to engage the local community with the archaeological programme.

- 32) 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).

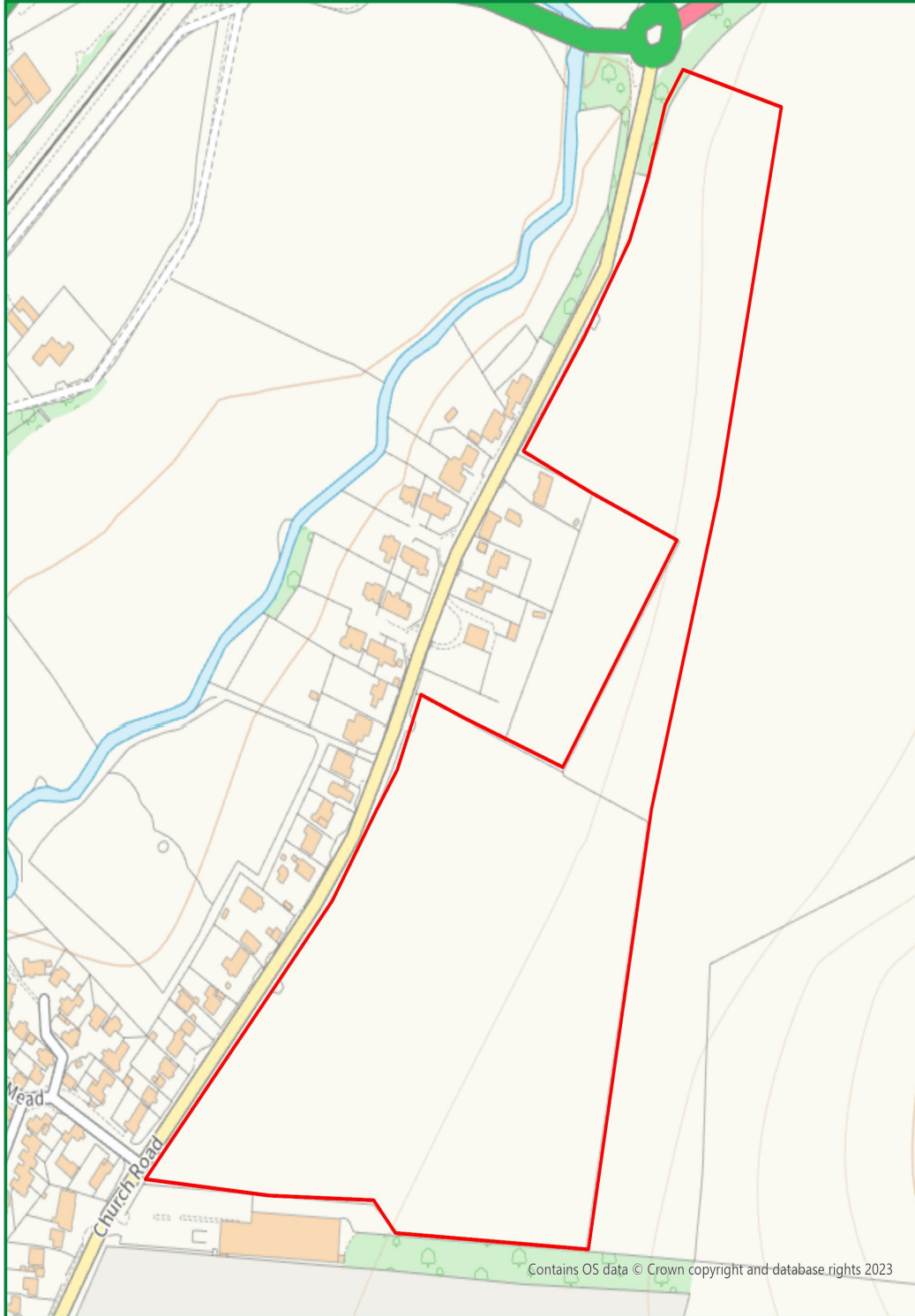
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/504207/BR_PDF_AD_G_2015_with_2016_amendments.pdf

- 33) The applicant will be required to enter into a S278 (Highways Act) legal agreement with Wiltshire Council for the Highway works, which shall include the provision of 2 puffin crossings on Church Road including the associated kerbing works, footway works including localised resurfacing of the footway and planing off of the carriageway 30mm and carriageway resurfacing over the length of the crossing road markings at each crossing locations, road markings and traffic orders.

Provision by the developer of two bus stops with shelters, electronic real time information, raised bus access kerbs, and localised footway adjustments and resurfacing at the bus stop locations.

- 34) The development hereby approved shall be carried out in accordance with the Special Requirements for Safe Working booklet, provided to the applicant's agent on 4th March 2021, in respect of the Esso Petroleum Co Ltd apparatus situated near the proposed works.

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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 August 2024
Application Number	PL/2023/07368
Site Address	Old Sarum Airfield Limited, Lancaster Road, Old Sarum, Salisbury, Wiltshire SP4 6DZ
Proposal	Outline application with all matters reserved, except means of access to site, for the demolition, modification & renovation of existing buildings, structures & site development. Provision of approx. 315 residential dwellings, & mixture of employment, commercial/leisure, & aviation uses, including a "flying hub" comprising control tower, heritage centre, visitor centre, café/restaurant, parachute centre, aviation archives & aircraft hangars. Provision of new vehicular access to surrounding highways network, car parking, & connections to surrounding footpath/cycle networks. Green infrastructure provision, including open space, play space, foot & cycle paths, & landscape enhancement areas; & sustainable urban drainage system & waste water treatment works. Associated vegetation removal, ground modification & engineering works.
Applicant	Mr Grenville Hodge
Town/Parish Council	LAVERSTOCK AND FORD
Ward	OLD SARUM & LOWER BOURNE VALLEY – Cllr Oliver
Type of application	Outline Planning
Case Officer	Richard Hughes

Reason for the application being considered by Committee

The application was called in by Councillor Oliver due to the scale of development, the visual impact upon the surrounding area, the relationship to adjoining properties, design -bulk, height, general appearance, environmental/highways impact, car parking, and the relationship with the Laverstock & Ford NP, WCS, and draft Wiltshire Local Plan.

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 for members to consider the officer recommendation that this application be REFUSED for the reasons suggested.

2. Report Summary

1. Principle, Policy, and Planning history/ issues
2. Design and impact on surrounding area/heritage assets
3. Impact on residential amenity
4. Impact on highway systems
5. Impact on ecology
6. Archaeology issues
7. Drainage and flooding issues
8. S106 and viability matters

9. Planning balance and conclusions

Laverstock and Ford Parish – Objects (see report below)

Salisbury City Council – Object (see report below)

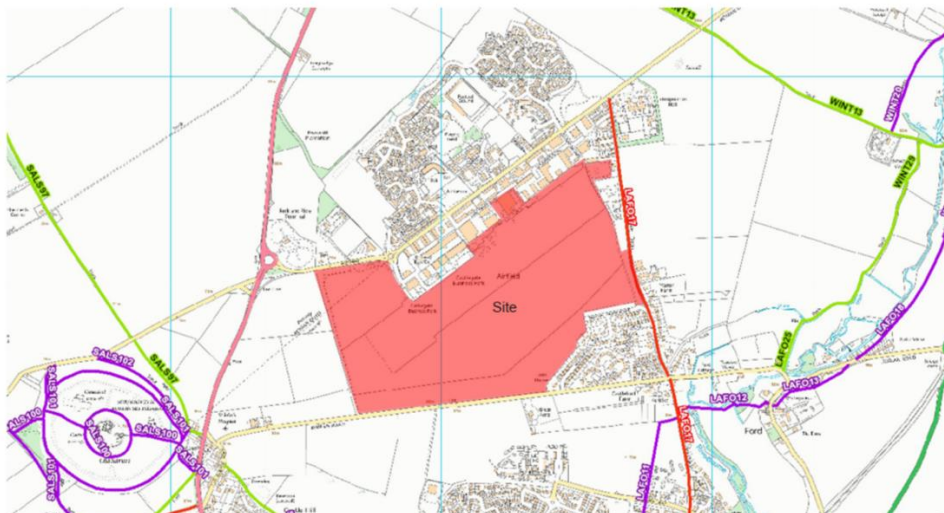
Third parties - 294 responses have been received, raising various concerns and issues, regarding the impact of the development on the surrounding area and the airfield itself (see later section of report).

3. Site Description

The site is located to the north of Salisbury and is located wholly within Laverstock and Ford Parish area. It is positioned between The Portway A338 Road (running along the north western boundary of the site) from which the airfield and other commercial uses are accessed, and the “C class” Roman Road, which bounds the site to the south.

The application site encompasses Old Sarum Airfield and associated airfield buildings and hangers. The three hangars are Grade II* listed buildings, and the whole airfield site is located within a Conservation Area, and contains other listed buildings. The majority of the site contains open grassland. A grass airstrip is located in the centre of the site. The airfield dates originally from World War 1 and was operated by the Ministry of Defence until the early 1980’s, when it became a commercial/civilian airfield.

Immediately adjacent to the airfield operated buildings are more modern commercial uses and industrial buildings, not associated with the operation of the airfield (known as Sarum Business Park).



The location of the site

To the north east of the site runs Green Lane, a restricted Byway. To the north and north west are a number of commercial and industrial buildings, and beyond the developments of Old Sarum and Longhedge. To the south-west is located the Old Sarum Ancient Monument and its associated Conservation Area, and to the immediate south east, the site is bounded by the settlement of Ford, and Roman Road. Beyond that to the south is the residential area known as Hampton Park/Riverside Park and its associated Country Park.

4. Planning History

The most pertinent and recent application for the site is as below:

PL/2024/00102 listed building consent for repair of hangar 3. Approved

15/04004/OUT - Outline application with all matters reserved, except from the means of access to the site for the demolition, modification and renovation of existing buildings, structures and site development. Provision of approximately 18.6ha (gross) of residential land accommodating approximately 462 residential dwellings. Provision for a mixture of employment, commercial/leisure, and aviation uses on 3.1ha of land at Area B, including a “flying hub” comprising a control tower, heritage centre, visitor centre, café/restaurant, parachute centre, aviation archives and aircraft hangars. Provision of associated access, including the construction of new points of vehicles access to the surrounding highways network, car parking and connections to the surrounding footpath and cycle networks. Green infrastructure provision, including open space, play space, recreational footpaths, cycle paths and landscape enhancement areas; the provision of above and below ground utilities, including a sustainable urban drainage system. Associated vegetation removal, ground modification and engineering works

The above application was subject of a non-determination appeal in 2018. A copy of the subsequent appeal decision is attached as appendix to this report. The appeal was dismissed. This decision is referred to extensively in the report below.

The site has been the subject of numerous planning applications/works including a number of mobile and small scale buildings and different uses since the early 1980's. For brevity only the most pertinent and relevant have been listed below:

S/2004/0243 Certificate of lawful use - Use of land & buildings as an airfield for light aircraft storage, repair maintenance & refueling, together with ancillary offices & restaurants

S/1981/1043 Change of use of airfield to light industrial use and civilian airfield

Notwithstanding the various applications at the airfield, the land surrounding the airfield has been the subject of significant development in recent years, and in particular the following:

16/00048/FUL Revised Country Park design, at land adjacent to Hampton Park, Salisbury

S/2009/1943 500 Dwellings and new Country Park, Hampton Park, Salisbury

S/2005/0211 Outline consent for housing, commercial, local centre, retail and community uses at Old Sarum, the Portway (followed by various reserved matters and applications for additional housing)

13/00673 Outline consent for 673 dwellings, commercial uses, local centre and community facilities, at Longhedge, adjacent Old Sarum (reserved matters app no. 15/07253/REM)

5. The Proposal

The current application is in outline form only, with only access details provided in detail. Other matters such as design, scale and layout and landscape are therefore indicative only and would need to be approved via a future reserved matters or other similar full application.

The application site is divided into 3 distinct areas of development.



Area A – On land to the north west of the airstrip and existing commercial buildings it is proposed to construct up to 160 dwellings, including two new access points of the adjacent Portway road system. This area also contains road access to the adjacent Area B. These works involve the removal of some existing planting including along the Portway, plus replacement landscaping.

Area B – This area is located directly to the south east of the existing hangers and other commercial buildings. It is proposed to construct several hanger buildings (7 shown on most plans, 6 on Area B specific plans). Furthermore, a new Aviation building would be constructed, which would include a replacement control tower, together with a replacement cafe and restaurant, and heritage and visitor centre, together with new access roads and associated parking.

Area C – It is proposed to erect up to 155 dwellings to the immediate north west of Ford settlement, between Green Lane and the Roman Road, with vehicular access off the Roman Road. This area would include new planting/landscaping, including along the southern boundary of the application site adjacent to the Roman Road. There are also suggested highways works (see highways section of report).

The applicants Design and Access statement lists the new facilities and benefits for the community to be developed as part of the Master Plan as including:

- Recreational walking and cycling routes around the airfield linking the new
- Country Park, Old Sarum village centre and new facilities created as part of this
- Proposal
- Restoration of the alignment of the Roman Road;
- Refurbishment of WW1 Hangar;
- Design to improve the relationship of the heritage buildings to the flying field;
- Creation of a flying hub;
- New restaurant;
- Fast food café;
- Seminar and training rooms
- Museum Wall
- Parachute centre

- Control tower
- Private aircraft hangars
- Improved public access to the flying field and the rest of the conservation area through the

formalising of visitor facilities and car parking and the creation of linked footpaths with specific viewing points to show the relationship between the grass flying field and the listed WWI hangers.

Additionally, to facilitate the above developments, the existing grass airstrip would be relocated 50-70 metres to the south of its current alignment, and extended.

It is proposed to remove some existing structures which are regarded as “clutter” in front of the existing listed hangers, and to make general improvements to the site, including interpretation boards, and to allow public access to and through the site as part of a large area of public open space, including footpaths and cycle networks. A waste water treatment works is also proposed, which would be part of the phosphate mitigation for the scheme and its bio diversity net gain.

Hangar 3 would also be repaired (the repairs were previously approved as part of application ref PL/2024/00102 listed building consent for hangar 3 with the intention that the repair works within that permission would be tied into any planning consent for the wider airfield via a suitable planning condition)

The application is supported with an EIA (Environmental Impact Assessment) including multiple documents on a number of issues, and various plans and associated graphics. These matters are examined in more detail in the sections below.

6. Relevant Planning Policy

For the purposes of this application, the following policies are considered most relevant:

National Planning Guidance NPPF, NPPG

National Design Guide and Code

Central Government General Aviation Framework and Strategy

LTN 1/20 (Local Transport Note 1/20)

Section 66 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed building and Conservation area) Act 1990 states that the local planning authority has a duty to pay special attention to the desirability of preserving and enhancing the character or appearance of the conservation area.

The Development Plan

Wiltshire Core Strategy policies

CP1 & CP2 – Settlement strategy and housing provision

CP3 – Infrastructure requirements

CP20 – Spatial Strategy for Salisbury Community Area

CP23 – Spatial Strategy South Wiltshire Community Area

CP24 – New Forest National Park

CP25 - Old Sarum Airfield

CP36 – Economic Regeneration

CP38 & 39 – Retail, Leisure and tourism

CP41 – Sustainable design and low carbon energy

CP43 – Affordable Housing

CP49 – Provision of local facilities

CP50, 51, 52 – Landscape, Green infrastructure and ecology

CP55 – Air Quality

CP56 – Contaminated Land

CP57 – Design and amenity
CP58 – Conservation of the historic environment
CP61 to 64 - Transport and Development
CP67 – Flood Risk
CP69 – River Avon SAC

Saved policies D8 (public art), R2 (open space)

Laverstock, Ford and Communities Neighbourhood Plan, including Design Guidance

Wiltshire Design Guide 2024

Other relevant documents

Wiltshire Council Housing Land Supply Statement 2023 (published June 2024)

Supplementary Planning Guidance “Creating Places” Salisbury

Policy WCS 6 of the Wiltshire Council Waste Core Strategy

Air Quality Action Plan for Wiltshire 2024-2029

Draft Wiltshire Council Air Quality SPD (to be adopted October 2024)

Wiltshire Council Planning Obligations DPD

Wiltshire Local Transport Plan

Draft LCWIP (Local Cycling and Walking Infrastructure Plans)

Emerging Wiltshire Local Plan review Pre-Submission Draft 2020-2038 (Regulation 19 stage)

7. Consultation response (summaries)

Laverstock and Ford Parish Council – Object for the following reasons:

1. After carrying out a systematic evaluation of local housing needs and a comparison of suitable sites with the potential to address this, Wiltshire Council has deleted the current Core Strategy 25 from the emerging local plan concluding that other sites are more suitable for development and that “the necessary protections for the site are already provided for through national and local planning policy...”. Therefore to allow development on this site would undermine the emerging Wiltshire Plan.

2. The existing Wiltshire Council Core Strategy 2 and Policy 1 in the emerging local plan both identify Ford as a small village, only suitable for small scale infill development to meet community needs. However, the proposed development of Old Sarum Airfield, intending to build 155 houses in Ford, flies in the face of these long established policies. It will almost double the size of the village of Ford and significantly erode the distinctive settlement pattern of the parish which is protected through Policy 1 of the Laverstock and Ford Communities Neighbourhood Plan.

3. We have serious concerns over whether the proposal would be effective as an enabling development securing the future of the listed assets in the airfield. There is a lack of clarity as to the ownership of the listed hanger that is the centrepiece of the development and the fact that it has been allowed to fall into its current shocking state of disrepair shows a lack of regard for statutory obligations. The application does not contain a detailed statement of how the site will be operated in the future to maximise the heritage asset and to work in co-operation with other occupiers of the Conservation Area. We note with concern the comments in the English Heritage report and that the best remaining remedy is reinstatement of much of the hanger rather the

restoration, limiting any positive heritage impact of this application.

If permission was to be granted we would request that a clear timescale for works to the hanger should be set out via planning conditions/s106 agreement with remediation of the hanger roof being required within a year of the granting of planning permission.

4. The continuation of flying activity at the airfield is central to the concept of the development, and in the opinion of the parish council, essential to the preservation of the heritage asset. However, this proposal does not contain any mechanism to prevent future residents of the 315 new dwellings on the airfield site from making a complaint of noise nuisance which could lead to the prevention of flying activity. Without a legal mechanism to prevent this happening this proposed development poses a long term threat to the heritage asset and the continuation of flying activity which has taken place for over one hundred years on this site.

Old Sarum Airfield is one of only three surviving WW1 grass strip airfields of its type in Britain and is not only of local importance but of National importance. It is the most valuable Heritage asset in the Laverstock and Ford Parish and deemed as a Conservation Area. The perimeter of the flying field is largely unchanged. This proposed development would cause irreversible damage to that appearance and character through the substantial development of the three areas of that perimeter.

5. In 2019 an earlier planning application for housing on this site was taken to appeal by the scheme promotor. The Appeal Inspector concluded that harm, to both the airfield conservation area and setting of Old Sarum scheduled monument could not be satisfactorily mitigated under any circumstances. In fact, she concluded that the damage to the Heritage aspect would be so severe, that it alone was enough for her to deny permission. She did not even consider the lesser aspects of the application. The Airfield and Old Sarum are classified as being of National Heritage Significance.

6. The proposed development in areas A and B will lead to increased car use due to the limited facilities available within walking distance. There is a doctor's surgery in Bishopdown Farm but this is more than a 3 mile walk there and back from Area A and involves using a muddy unpaved, unlit, narrow footpath. In practice, residents have to go into the centre of Salisbury to be able to access these services. There is one full time nursery in Longhedge but this would involve approximately a mile walk to reach it. Old Sarum primary school serves both Old Sarum and Longhedge. Since the last planning application was made public transport services in Old Sarum have been reduced by 50%, from a bus every 15 minutes to a bus every 30 minutes and they are unreliable, often running late or not at all. This will increase pressure on already congested local roads, particularly Castle Road into Salisbury. The emerging Wiltshire Plan has taken account of the existing traffic and planned future development. Adding further housing in this area beyond that in the local plan could put unsustainable strain on the local highways.

7. The highways impact of development in area C is even more significant. The Ford Road is already one of the most significant highways concerns in our parish. Due to the lack of pavements it is frequently used by pedestrians from the village accessing the Country Park and local footpaths, and it is also regularly used by recreational horse riders and cyclists. However it is also a notorious 'rat run' for traffic from the A30 and A36 trying to access the A345; particularly in the evenings and nights excessive speed is frequently a problem, with the highest speed recorded by the Parish's SID being over 80mph in a 30mph zone. The road is also narrow and wider vehicles are unable to pass safely at speed in several places.

Adding all of the traffic created by the planned 155 dwellings in area C and the creation of an additional, significantly used junction, would further exacerbate these problems, and due to the character of the road the parish council believes that no effective mitigation is possible.

The council believes that Para 8.2.3 of appendix 13.1 of the transport assessment, significantly understates trip rates by not taking account of the concentration of schools in the local area producing significant traffic flows prior to the 17.00-18.00 peak used in the report and this document therefore cannot be relied upon.

8. The airfield site currently provides a wildlife corridor, connecting Green Lane to the open landscape beyond the Old Sarum historic monument. We note with concern the issues raised by in the RSPB report about the nature survey methodology and the potential impact on the rare stone curlew population. We believe that development of this site would therefore cause significant harm both the ecology of the site but also the wider area.

Salisbury City Council - Object for the following reasons:

Salisbury City Council object very strongly to this application. This airfield is a site of national significance. We have concerns over the impact of the views – old Sarum and the historic landscape. A development of this size will have a significant impact on the infrastructure of the surrounding area - no junction improvements have been considered for A345. The nearby village of Ford is designated as a small village and this development will double its size with no facilities in the village. The road between this village and Castle Road is narrow and vehicles travel fast along it – it will not be able to take the additional transport that this development will generate. This goes against the Local Plan Review core Policy 25 which requires 40% social housing and none has been included in this development. In addition to this, the site is located next to the rifle range – we are concerned that noise from this will impact the residents and in the long term close the range and we wish to keep this living history site alive.

Following the recent collapse of Hangar 3, Salisbury City Council's Planning and Development Committee agreed the following statement at its committee meeting on Tuesday 23 January 2024.

The collapse of Hangar 3 at Old Sarum Airfield is a disaster long predicted by those who have been campaigning to save this Grade II listed wartime survivor.*

Our heritage protection systems have failed abjectly in their duty to ensure its preservation despite years of pleading by aviation enthusiasts including the group SOS - Save Old Sarum. Legal action must be taken to salvage and restore it. And on no account must what remains of this historic airfield be swallowed up by housing development.

Durnford PC – Object on the grounds that previous application was refused and appeal upheld, and the village of Ford, with no amenities is unable to support a development of this size.

WC Conservation – Object due to the significant harm caused by the scheme on the heritage assets (see later report)

WC Ecology – Final response awaited and will be presented to the committee meeting. (See ecology section of the report)

WC Landscape - Satisfied that landscape concerns I raised in the 15/04004/OUT have been considered in this new iteration.

WC Spatial Planning – Highlighted the planning policy issues and matters to take into consideration

WC Economic Development - Whilst the inclusion of some employment opportunities in this proposal is welcome the overall impact on the local economy is likely to be limited and will not be of the highly skilled/remunerated jobs we would like to see created in the area. We are also concerned at the increase in demand on the local infrastructure that a residential development of this size will create in an area that is already struggling to cope. Due to the lack of new employment opportunities in the Salisbury area it will also mean an increase in out commuting, placing further strain on the road network.

WC Public Protection – No objections subject to suitable conditions and mitigation. £5000 yearly monitoring fee needed for aircraft movements

WC Highways – Object to the impact of the traffic generated by Area C on the roman road

WC Rights of Way – No response

WC Open space – There will be approximately 90,000m² of open space (to include play and recreation spaces), so I'm satisfied that the on-site requirement will be met for both Play and public open space. A Sports contribution of £142,317 towards a Full Size 3G Artificial Turf Pitch within/to serve the Southern Wiltshire Community Area and/or sports, pitch or ancillary provision within the vicinity of the land is required.

WC Public Art - In the event of public art being sought through planning obligations an indicative figure would be in the region of £93,000 (based on £300 per dwelling x 310 dwellings and £3 per square metre of non-residential commercial land) to be commuted to the Council's arts service to engage an experienced professional public art specialist to devise, manage and deliver the art and design process and programme in line with our 2024 Guidance

WC Housing – Object, 40 percent affordable housing should be provided in line with Policy CP43, subject to viability assessment

WC Education – Financial contributions for early years provision should be secured via a S106

WC Archaeology - No objections subject to suitable mitigation and management, and a suitable condition.

WC Waste and Recycling - No objections subject to waste and recycling contributions in line with policy as part of a legal agreement.

WC Urban Design – Object due to harm caused to the heritage assets.

WC Drainage – No objections subject to conditions secure suitable foul and surface water drainage

Wilts and Dorset Fire and Rescue – General advice about fire safety and infrastructure

Historic England – No objections subject to listed hangar is repaired (see later report)

Natural England – No objections subject to suitable mitigation and the Council concluding a positive appropriate assessment

Environment Agency - No objection, subject to conditions related to foul and surface water drainage, land contamination, groundwater protection, surface water management, water efficiency, and a Construction Environmental Management Plan

National Highways - no objection to application reference PL/2023/07368 but advises that a proportionate developer contribution is sought by Wiltshire Council towards the Salisbury Transport Strategy, particularly sustainable transport measures that will help to manage demand at the A36 Castle Roundabout.

MoD – No safeguarding issues

Active Travel England – Raised issues regards sustainable transport options and enhancement of existing pathways and routes, and mitigation. Advised Council to defer judgement of the application until such matters were sorted out.

CAA – No response

RSPB – Objects due to insufficient assessment of impacts on breeding birds including stone curlew.

8. Representations

Third Parties - 294 comments (some from the same parties and regarding the amended plans), and a petition, raising various concerns and issues regarding the impact of the development on the surrounding area and the airfield itself. The issues raised include:.

- Impact on swifts, suitable mitigation needed
- Sets precedent for further development north of Salisbury
- Results in over development/ over population
- Less sensitive alternative sites are available
- Unacceptable density proposed
- Site is not a strategic housing allocation
- No need for housing in the area
- Benefits will not outweigh harm to heritage assets
- Cumulative impacts of developments in area
- No affordable housing
- Noise complaints from new residents will lead to a cessation of flying
- Long term operation of the airport will be threatened
- Flights will be unable to operate safely in constrained area
- Lack of costings information provided
- Alternative income/funding streams have not been considered
- Justification on the basis of viability not material to the application
- No justification for how flying will be sustained provided
- Clear business case needs to be presented
- Noise, pollution and safety concerns will lead to closure
- Harmful to aviation heritage/ conservation area/ listed buildings
- Harmful to setting of Old Sarum SM
- Perimeter of airfield is valuable to its character and will be destroyed
- Grass airfield should be preserved as it is a rare surviving example
- Existing road infrastructure inadequate
- Highways improvements proposed insufficient
- Adverse impact on A345/ journeys to Salisbury
- Additional traffic in Ford unacceptable
- Safety and pollution concerns
- Emergency access - Impact on Green Lane unacceptable
- Cumulative highways effects have not been considered
- Lack of alternatives to private car – unsustainable
- Roads are prone to flooding in Ford
- Pedestrian routes are inappropriate
- Harm to views from Old Sarum Scheduled Ancient Monument
- Destruction of semi-rural character of the Parish
- Impact on distinctive landscape character
- Impact on views from and to old sarum hill fort
- Loss of open space/ green fields/ countryside/ recreational space/ agricultural land
- Develop brownfield first
- Harm to wildlife/ ecology
- Loss of wildlife corridor
- Loss of unimproved grassland habitat
- Impact of flying – with risk of airport closing
- Impact of traffic
- Noise attenuation in proposed dwellings unacceptable
- Impact of construction

- Adequacy of noise survey regards shooting range questioned
- Impact of shooting range use/noise issues for Area C housing
- Restricting flying will enable the Council to control noise
- Impact on local facilities and infrastructure
- Inadequate infrastructure improvements
- Need for affordable housing
- Lack of capacity in local schools
- No local employment
- Lack of health facilities
- Lack of shops
- Lack of public transport
- Impact on character/ identity of Ford
- Impact on Ford's infrastructure
- Reduction of safe land area, particularly relevant as airfield is used for training
- Safety concerns associated with additional traffic
- Impact on potential for air displays due to encroachment of development
- Inadequate engagement by applicant
- Views of community disregarded
- Existing flooding not adequately considered
- Capacity of drainage network
- Roads prone to flooding
- Sewage Capacity and flooding/drainage issues in Ford and Green Lane

Boscombe Down Aviation Collection:

A thriving community heritage aviation hub already playing an important part at local and national level, has recently been awarded full Arts Council Accreditation and notes the content of the Planning Application. The Collection would look for absolute assurances that its operations would not be compromised, particularly with regard to accessibility and parking for our heritage users, in order that the Collection can enhance the long-term local community and national benefits that its operation is already delivering

9.0 Planning Considerations

9.1 Principle, policy, and planning history

National Planning policy

In terms of general overarching planning policies, the NPPF, is supportive of economic regeneration projects and the provision of housing in sustainable locations. NPPF para 11 indicates generally that Local Planning Authorities should be:

- approving development proposals that accord with an up to date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for the 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.

In terms of aerodromes and airports, Paragraph 110 (f) of the NPPF 2023 generally covers the topic:

need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy.

The General Aviation Strategy referred to by the NPPF refers to small aerodromes, but largely deals with the protection of them from other adjacent development. It is also clear that the protection of the aerodromes is a matter for the aerodrome itself in association with the CAA. This particular application is somewhat unique in that it relates to development proposals by an airfield operator, much of which is not connected to the actual operational requirements of the business (ie the proposed housing in Areas A & C).

The NPPF also supports the provision of housing including affordable housing (Section 5), building a strong competitive economy (Section 6). Other parts of the NPPF will also be relevant to the proposed scheme, and these will be specifically referred to elsewhere in this report.

Development Plan policies

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. At the current time of the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the Laverstock and Ford Neighbourhood Plan.

In general terms, CP1 & CP2 relate to sustainable development and housing provision.

The enhancement of the airfield leisure facilities would also be covered by policies CP38 & 39. CP 49 encourages the enhancement of community facilities. Laverstock and Ford is designated as a “small village” by WCS policy CP2, where housing development is limited to small scale infill development. The Parish Design Guide, which forms part of the Laverstock and Ford Neighbourhood Plan, suggests that no development should exceed 50 dwellings (page 5, section 6, subsection 6.6).

Core Policy 25 relates directly to the site. The supporting text to this policy states that:

Old Sarum Airfield dates from the First World War and is one of the best preserved in the country as it has remaining technical buildings and three listed hangars, which still have a functional relationship to the grass airstrip. The facility is highly valued locally for the historical and recreational opportunities it provides. However, there are a number of issues relating to the site that this Core Strategy seeks to resolve.

5.133 The heritage value of the airfield has been damaged by the intrusion of functional late 20th century industrial sheds, which compromise its historic character. There are no controls over the level and intensity of flying activity from the airfield, and there has been a long history of complaints from local residents about the noise, which has been caused largely by aeroplanes flying over the city, in training circuits, especially during the summer months. While there is no local wish to prevent flying altogether, there is a desire to seek some control and strike an appropriate balance between the flying activity and amenity of Salisbury's residents.

5.134 This strategy will allow sympathetic new development on the airfield perimeter, including high quality residential use, where it can be fully demonstrated that it will deliver the outcomes identified in the following policy. The Master Plan will be developed in partnership with the local community, local planning authority and the developer prior to any application being considered.

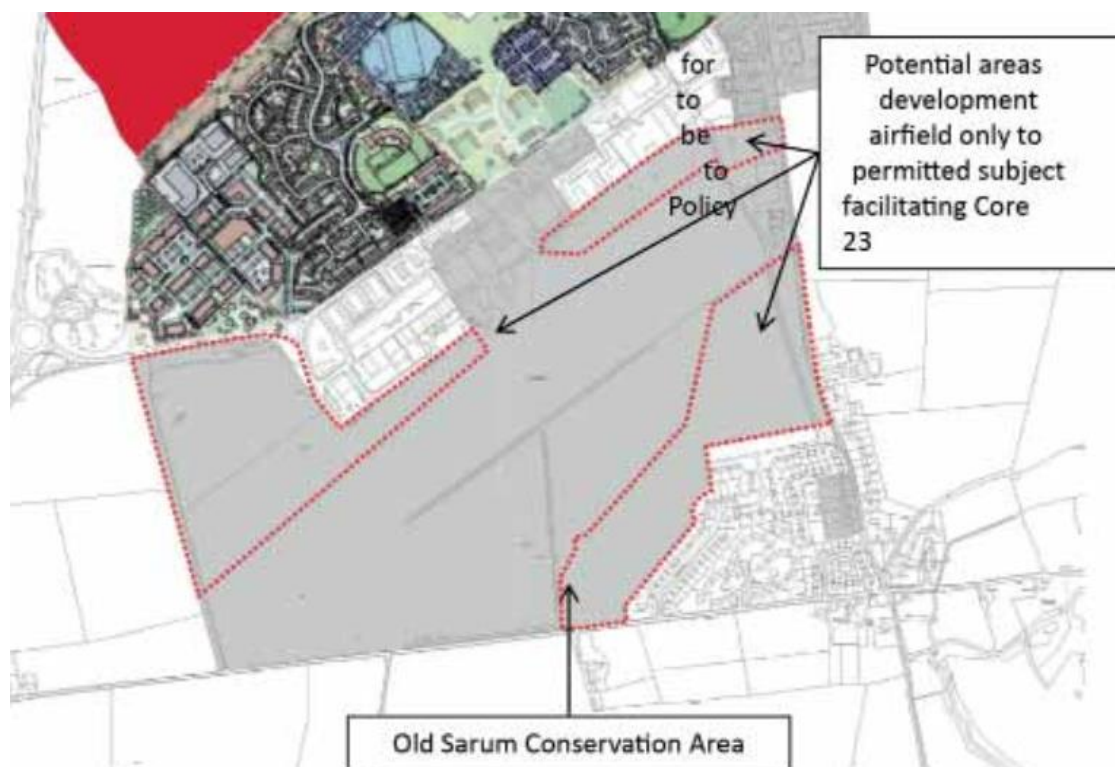
The main text of the policy sets out the criteria that must be met if any new development at the airfield is to be permitted:

New development will only be permitted on Old Sarum Airfield if it delivers the following:

- Page 76
- i. A long-term proactive strategy for the enhancement of the Conservation Area including management plan and public access and visitor/interpretive material on its historic***

relevance

- ii. **A high quality strategic landscape improvement to mitigate impacts of existing intrusive buildings, to soften impacts when viewed both out and into the Conservation Area and from Old Sarum Scheduled Ancient Monument**
- iii. **The completion of a legal agreement (section 106) to agree reasonable controls over flying activity in the interests of the amenity of local residents**
- iv. **Submission, agreement and implementation of a development master plan, which delivers a high quality development that takes opportunities to enhance the historic environment and protects the amenity of existing residents**
- v. **Retains and safeguards flying activity from the airfield**
- vi. **Provides community benefit for the Old Sarum residents.**



Therefore, some form of development of this site is acceptable in principle, but only subject to the various criteria listed within the policy being met as well as the other relevant policies in the development plan, and compliance with the statutory duties applying to development and heritage assets, and national planning guidance. The following report outlines the scheme that has been submitted and whether the aims of policy and other national and local planning policies have been met.

However, in order to fully understand the reasoning behind Core Policy 25 (see below), it is necessary to understand some of the recent history related to the site that occurred up to the policy being formulated.

Old Sarum Airfield dates from the First World War and is one of the best preserved in the country, in that it has remaining technical buildings and three listed hangars which have an unsevered, functional relationship to the grass airstrip. The facility is highly valued locally for the history and recreational opportunities it provides. However the site has been affected for years by two issues.

Aircraft noise - Historically, there had been noise complaints to the Council (then Salisbury District Council) relating to the operation of the airfield. It is understood that whilst the Council sought to take some form of enforcement action, operational airports and aerodromes are exempt from prosecution in regards to noise disturbance under the Environmental Protection Act. Furthermore, the original planning permission granted for use as a commercial airfield in 1981 did not contain any restrictive planning conditions on the operation of the airfield.

Heritage - The heritage value of the airfield (Grade II* listed hangars and a designated Conservation Area) has been affected by the introduction of later industrial buildings which compromise its historic character. Furthermore, the value of the heritage asset has been placed at risk by ongoing speculative developments.

In this respect the Inspector in his final report into the South Wiltshire Core Strategy (predecessor to the current adopted Wiltshire Core Strategy) concluded:

“...Another issue is that the hangars are surrounded on three sides by unsympathetic modern industrial buildings. These buildings are intrusive, they harm the character and appearance of the conservation area and, being clearly visible from the ramparts of the hill fort at Old Sarum, they harm the setting of this Ancient Monument.”

As a consequence, the Council began discussions with the owners of the airfield to try and resolve the noise complaints. The result of these discussions was that it was resolved that a legal agreement would be required from the airfield operator in order to place restrictions and limitations on the operation of the airfield that would reduce the noise disturbance issues and result in heritage improvements. In return, it was agreed that such an agreement would be secured as part of a Core Strategy policy, which would permit some form of limited development of the airfield in exchange (and hence CP25 was developed).

How the three development areas were produced

As part of the previous officer report for previous application 15/04004/out, it was indicated that the areas highlighted for development in the Core Policy were developed as follows:

“.....Areas of the airfield were assessed, firstly, to ensure that regeneration would not prejudice the historic flying activity at the airfield or compromise the unsevered relationship between the listed hangars and the operational flying field, which is a unique feature as identified in the English Heritage study, 'Survey of Military Aviation Sites and Structures, Summary Report' by the Thematic Listing Programme, J. Lake 2000 (see evidence base document STU/49).

Secondly they were based on an assessment of the site to establish how the topography could be utilised to introduce carefully screened views both in and out of the site and across the airfield, thereby mitigating the impact of later commercial built interventions. The Old Sarum Conservation Area Appraisal is a detailed assessment of the airfield and its environs. This document clearly indicates where there have been instances of intrusion and damage to the special qualities of Old Sarum Airfield and outlines the potential for enhancement, through improved landscaping and restoration of items of original character, through removal of inappropriate fences and such like. This data was drawn on by the landowner who commissioned their own detailed contextual landscape and site appraisal to further inform discussions with the Council.

Based on such evidence it is the assessment of the Council, as set out in adopted policy, that a carefully designed development has the potential to have a positive effect on the airfield, listed buildings and Old Sarum Scheduled Ancient Monument, through the improved screening of inappropriate views allied to careful design and a comprehensive landscape scheme. Also some interpretative material and managed public access to the site would greatly add to the understanding and appreciation of the airfield and its role in British aviation history.

The South Wiltshire Core Strategy Final Sustainability Appraisal July 2009 Appendix IV, page 151-153 indicates a positive outcome for this policy subject to appropriate mitigation measures...”

Wiltshire Core Strategy evidence.

Regards the 3 areas, as outlined in the previous officer report, the Wiltshire Core Policy 25 is clear that the three indicative areas have the potential in principle, if sensitively developed, to bring significant benefits to the Airfield and wider environment, including mitigation of noise and softening harsh, urban edge views. As stated clearly in the Statement of Common Ground agreed with Blenheim Property Co at the Examination in Public related to the Wiltshire Core Strategy:

Each area has different opportunities and constraints deriving from their location, adjacent uses and linkages influencing the types and forms of development most sensitive and appropriate to the location.

Definition of potential areas in Map 5 is indicative and does not necessarily mean that they will be fully or inappropriately developed:

- in the north west area the original line of the Portway and the view cone to Old Sarum SM should be kept clear.*
- Proposals will be subject to stringent site specific and normal development management policies including on noise pollution, listed buildings, conservation areas, landscape, protection of amenity, sustainability, access.*

Collaboration with landowner

As part of the previous officer report for previous application 15/04004, it was indicated how the landowner was involved in policy formulation:

“...The Council accepted that to achieve these aims then there needs to be an incentive for the landowner and hence Core Policy 25 states it will allow sympathetic new development on the airfield perimeter, including high quality residential use, where it can be unequivocally demonstrated that the above objectives can be delivered and that the historic flying function is preserved. To work in partnership with landowners to try and find a lasting solution to regeneration and safeguarding of heritage assets is standard practice and required by national policy. One of the key aspects is seeking a viable use, which makes necessary investment justifiable.

The Core Policy seeks to afford the Council some control over the level of flying activity and therefore the noise caused by it, for the first time. This would be by means of a voluntary, but enforceable, Section 106 Agreement that sets out the type and levels of flying activity that would be permitted. The background to this is important. The landowner has expressed a commitment to a Section 106 agreement which sets out the type and levels of flying that will be undertaken. This would allow the Council, for the first time, to have some control over the activities so that it can monitor and enforce if, for example, the activity intensifies in a manner that is outside the agreed parameters and leads to complaints. Therefore this would deliver one of the key outcomes sought by the then planning committee which looked at this issue in 2000...”

Quantum of development.

The previous officer report advised that there is no expectation over numbers and indeed it was not discussed at either of the two EIP's (Examination in Public). The quanta of development and its form/layout on the airfield will be determined by the requirements of the policy (CP25), in particular, to deliver controls over aircraft activities, to deliver a workable management plan for the preservation and future safeguarding of heritage assets, to mitigate the impacts of existing development, and to protect the amenities of residents living within the vicinity of the airfield. This judgment will be balanced against the need to ensure all other material and policy considerations are taken into account. These 'other' considerations include the impacts on scheduled monument(s), the conservation area, the wider landscape, established uses of surrounding land, and amenity in general. The areas defined in Map 5 do not indicate the extent of acceptable built development; the acceptable extent of built development can only be determined after the constraints of all the considerations have been defined and mapped.

The Master Plan and supporting documents should be key in reaching this assessment and is the vehicle for the applicant to set out their narrative for how the concept meets the requirements set out in the Core Policy 25.

CP25 and emerging Draft Wiltshire Local Plan

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Notwithstanding the above officer advice provided previously as part of the appeal scheme, the Council's Spatial Planning Officer has also commented thus:

The emerging Wiltshire Local Plan review has also reached the Regulation 19 stage. The outcome of the consultation and submission of the plan is due to be considered by Cabinet and Council in October this year. The emerging plan proposes the deletion of Core Policy 25: Old Sarum Airfield (Appendix A Schedule of policies). As you will be aware the deletion of the policy has been contested.

Nonetheless, Core Policy 25: Old Sarum Airfield currently still forms part of the adopted development plan. As stated in paragraph 5.135, subject to all the policy requirements being met - criteria (i) to (vi) (including appropriate safeguards to secure them as part of any planning approval), the policy does allow for sympathetic development on the Airfield perimeter including high quality residential use. Indicative or potential areas are shown in the supporting text to the policy at Figure 5.16. Whilst areas are identified in Figure 5.16, these were only intended to be potential development areas and they do not in themselves as a whole form the footprint for urban development. Instead, the nature and form of any development proposed in these areas should be carefully scrutinised; and assessed against not only Core Policy 25 but other policies in the development plan including those that relate to heritage, landscape, ecology, design, transport and affordable housing.

There is also a clear expectation that a Masterplan would be developed in partnership with the local community and local planning authority prior to any planning application being considered (paragraph 5.135).

As with any planning application, all relevant policies in the development plan and material considerations will need to be considered at the time the decision is made.

The policy is not a housing allocation but one that seeks certain outcomes to be achieved as required by criteria (i) to (vi). It will therefore be important in assessing the application for the outcomes listed in the policy to be met, as well as other relevant policy requirements in the development plan and material considerations; given the time that has passed since the response was provided and the proposed development in this latest planning application.

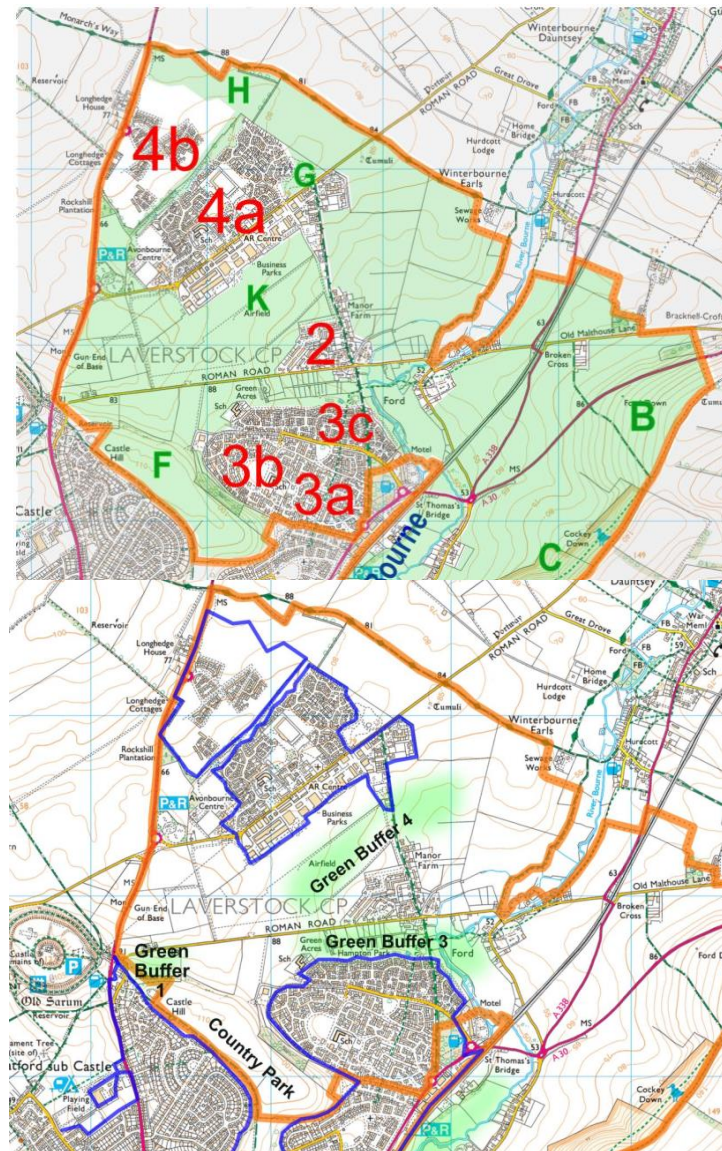
This will not only include the most recent version of the National Planning Policy Framework but also includes the Laverstock, Ford and Communities Neighbourhood Plan, made in October 2022, which now forms part of the development plan relating to this area. The following policies will therefore be relevant considerations in assessing the proposal:

- Policy 1 Protection of the Distinctive Settlement Pattern of the Parish*
- Policy 2 Protection and Enhancement of the Distinctive Landscape Character, Wildlife Habitats and Heritage Assets*
- Policy 4: Design of future development*
- Policy 5: Improvements to infrastructure and amenity appropriate to the scale of specific future housing development.*

Policy 3B Ford Amenity Green Space may also be relevant if proposals adjacent to it would have an impact.”

Laverstock and Ford Neighbourhood Plan

This document is now part of the adopted Development Plan and therefore carries significant weight. The document highlights a number of Green Buffer areas in the Parish, one of which is airfield (as below plan extract: (Marked as “K” on the plan below and also shown as Green Buffer 4)



Above: extracts from Laverstock and Ford NP

It is however important to note that the Green Buffer shown on the plan above covers the grass airfield landing and take off area. Clarity was sought from the neighbourhood plan examiner before the referendum version of the draft neighbourhood plan was produced with regards to his meaning of narrowing the said green buffer to the width of the airfield landing/take off area. **The examiner reiterated the point that the green buffer should exclude the ‘potential developable areas’ referred to in figure 5.16 of Core Policy 25 of the Wiltshire Core Strategy and that he did not want the green buffer to be extended but reduced in size.**

The NP also refers at para 7.2.3 the issues limiting development across the parish, including:

- the conservation area designation on Old Sarum Airfield and several buildings associated with its former use as a military airfield dating back to World War 1
- proximity to Old Sarum scheduled monument and views to and from Salisbury Cathedral and Old Sarum and Figsbury Ring scheduled monuments

Paragraph 7.2.4 refers to Landscape Sensitivity in the Parish and also makes reference to CP25 being excluded from this assessment, and highlights that “..almost all of the land on which development would have limited impact on the landscape has been developed already..”,

The NP also has policy 3B, which relates directly to the area of land directly adjacent Area C of this application, and indicates that the land shall be retained as amenity green space. It goes on to state that ***“If damage or loss of this green infrastructure is unavoidable, the creation of new or replacement green infrastructure equal to or above its current value and quality, that maintains the integrity and functionality of the green infrastructure network, will be***

required. It should be noted that this application does not affect this area of land, despite being directly adjacent to Area C housing.



Ford Amenity Green Space Policy 3B of LFNP

The NP also contains policies on Design (Policy 4), which aims to improve the quality of the built environment, and maintain or enhance its semi-rural character and help address the climate emergency, and have “*a layout and infrastructure which would give residents easy, safe access to local pedestrian/cycle networks and to public transport, in order to help reduce vehicle usage*”. Policy 5 stipulates that “*Major development proposals shall include a phasing plan that assures the delivery of the related, supporting infrastructure and amenities prior to, or in phases during, the development*”.

The NP also contains two “Community Action” statements, which relate to the development of a “comprehensive, attractive network of footpaths and cycleways” within the Parish (Action 1), and Action 2 refers to “Improvements to infrastructure for future housing development”. Notably, the latter refers directly to the Portway and Ford/Roman Road, which are adjacent this application site, and states as follows:

“b) Any significant proposed development adjacent to or dependent on the following roads shall be contingent on providing agreed improvements to the local highways network aimed at increasing pedestrian and cyclist safety and reducing traffic speed, noise and pollution, with particular focus on the following roads:

- *The Portway, Old Sarum (C56)*
- *Ford Road/Roman Road, Ford (C287)*
- *Church Road, Laverstock (C329)*
- *Milford Mill Road, Milford (UC162902/UC152911).*”

Laverstock and Ford is designated as a “small village” by WCS policy CP2, where housing development is limited to small scale infill development. The Parish Design Guide, which forms part of the Laverstock and Ford Neighbourhood Plan, suggests that no development should exceed 50 dwellings (page 5, section 6 **Page 62** *Surrounding Landscape*, subsection 6.6). The same section, subsection 6.3 and 6.4, indicate that:

6.3 All structures should be limited to a maximum height of 10 m (2.5 storeys), with the upper storey within the roof, reducing in height at higher elevations within a site to minimise visual intrusion of the roofscape.

6.4 Structures should not extend above the skyline from viewpoints outside the development

Housing Land Supply

Whilst policies CP1 & 2 relate to the provision of strategic housing sites, it should be noted that any housing being proposed as part of this proposal does not form part of the overall housing allocation for Wiltshire. Any dwellings approved as part of any scheme would therefore be in addition to those already approved or allocated by the Core Strategy.

At the time of preparing this report, the Council has confirmed in its recently published Housing Land Supply statement that it has a 4.2 year housing land supply.

As part of the changes introduced by the 2023 NPPF, the Council became a “paragraph 77” Authority, in that it is only required to demonstrate a 4 year housing land supply as a result of it having a draft Local Plan to Regulation 19 stage. The December 2023 NPPF contained two important amended/new paragraphs concerning housing supply and delivery, as follows –

76. *Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing for decision making purposes if the following criteria are met:*

a) *their adopted plan is less than five years old; and*

b) *that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.*

77. *In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years’ worth of housing, or a minimum of four years’ worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period). National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.*

Paragraph 226 referred to in paragraph 77 states the following –

226. *From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years’ worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.*

At the time of writing a revised Draft NPPF has not been published. This is a consultation document, and a finalised version is unlikely to be available until at least Autumn 2024. The

revised version suggests that that above changes to the 2023 NPPF will effectively be reversed, and hence the need to have a 5 year housing land supply may be reintroduced. However, this carries limited / no weight at the moment.

However, regardless of the above, it should also be noted that even if the housing land supply fell below the housing requirement in the NPPF, the presumption in paragraph 11 that permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits' is not engaged as the proposal directly affects designated heritage assets – including the Old Sarum Airfield Conservation Area which extends to cover all three of the proposed development areas within the site.

Planning History

The recent planning history related to this site is a significant material consideration.

Previous application ref 15/04004/OUT as listed in the planning history elsewhere in the report was subject of a non-determination appeal in late 2017. A detailed officer report was then provided to a subsequent Strategic Planning Committee in January 2018, which advised Members of the various issues, and recommended that if officers had been able to, they would have recommended refusal of the scheme. Members agreed with officers regards the recommendation, and subsequently, the Council provide 7 putative (retrospective) refusal reasons as part of its appeal case. The subsequent appeal was subject of a protracted Public Inquiry in late 2018, early 2019. The Inspector subsequently dismissed the appeal. In 2020, the appeal decision was subject of a legal challenge by the applicant. The High Court however dismissed the challenge, confirming that the appeal inspector's decision had been soundly based. The judge in that case concluded at paras 98 & 99:

“98. Subject always to the statutory protections and requirements where national and local heritage is concerned, CS Core Policy 25 provides a framework of reference. The current position with the Airfield has some negative consequences for all. With care, rigour, respect for the - quite remarkable - heritage involved, a commitment to quality and a constructive approach I cannot see that an outcome involving appropriate development need elude the parties. A statement of common ground, absent in the present case as Mr Mohamed highlighted, would be crucial in any future dialogue, as something on which the parties could build, let alone in any future proceedings.

99. To that end there is a great deal in the Decision, for which this judgment is no substitute, that repays constructive reading by the parties.”

A full copy of the previous Inspectors decision from application 15/04004/OUT is attached to this report, and relevant excerpts from that decision have been included in this report. This should be read in conjunction with this officer report. The recent approval of Listed Building Consent in relation to the rebuilding of Hangar 3 is also a material consideration of weight.

Regards the Inspectors decision, and the general policy and principle matters, it can be seen that the Inspector refers to these matters in detail throughout her decision, and in particular, paras 10 and 11 of the decision which refer to the development of policy CP25, which reflect officer advice above. Para 10 reads as follows:

“10. CS Core Policy 25 seeks to deliver a number of outcomes to secure sympathetic new development on the airfield perimeter. The number, type and mix of development is not specified in the policy. The inclusion of residential development is specifically mentioned within the accompanying text to the policy which indicates that sympathetic new development on the Airfield perimeter, including high quality residential use will be allowed, but only where it can be fully demonstrated that it will deliver the outcomes identified in CS Core Policy 25. The three areas for development are identified on an accompanying plan to CS Core Policy 258. The policy does not set out the specificity of development mix and numbers of homes. This is a matter which should be design led taking into account all the factors set out in policy as well as other material considerations.”

As a consequence of the above matters, whilst the principle of some development, including some housing, is in principle accepted by policy CP25, the specific form, and quantum of any such development will clearly only be acceptable if the proposals are deemed to meet the requirements of policy CP25, and the aims of the Core Strategy as a whole. The following sections of the report deal with the consideration of the outline scheme as submitted.

9.2. Design, and overall impact on wider Conservation Area/heritage assets

Old Sarum airfield is a significant heritage asset. It has one of the most significant and complete groups of technical buildings representative of a Training Depot Station from the First World War period in the South West of England. It also, uniquely for any of the key surviving sites of the period up to 1918, retains its grass flying field with no perimeter tracks. Within the airfield perimeter are three surviving Grade II* hangars. They were constructed in 1918 and are again relatively rare survivals from this period reflected in their Grade II* designation. Other Grade II buildings also survive within the site.

The site and its immediate environs remain largely as they were when the appeal was determined. The wider area also contains numerous historical features of interest, including the Old Sarum Ancient Monument and its Conservation Area. There are other listed buildings in the immediate and wider vicinity, including Longhedge House, and the nearby Tollgate house. Some distance from the airfield to the east is located Figsbury Ring Scheduled Ancient Monument. As a consequence of this, the Council commissioned a study to assess the significance of the airfield (the Atkins report referred to by third parties and consultees), and subsequently, the whole site has been designated as a Conservation Area since 2007.

Previous application and appeal decision

Members previously considered that regards the previous application scheme, they would have been minded to refuse for heritage reasons, due to the impacts on the Conservation Areas and the heritage assets. Details of the scheme were considered too sketchy at that time, and the quantum of development considered excessive. The visually amalgamation of the development areas as seen from the Old Sarum monument was an issue. The previous appeal proposal for this site subject of application 15/04004/OUT was dismissed by the Inspector primarily on design and heritage grounds. The previous Inspector's decision is attached in full, and relevant extracts from her decision are contained elsewhere in this report.

National planning policy

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66 requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

Since the previous appeal scheme was determined, guidance with NPPF has been updated a few times, although the Section on Heritage impacts remains largely unchanged in its overall emphasis. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Paragraphs 207-9 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. Paragraph 203 requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness. National Planning Practice Guidance provides guidance on interpreting the NPPF

NPPF design policy has been updated following the introduction of the National Design Guide and Code, with the introduction of Section 12 "Achieving well designed and beautiful places". Paragraph 139 of the NPPF 2023 indicates that "*..Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking*

into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides ; and/or

b) outstanding or innovate designs which promote high levels of sustainability, or help raise the standard of design more generally in an area , so long as they fit in with the overall form and layout of their surroundings.”

Development Plan policies

Policy CP51, CP57 & 58 of the WCS remains as it was when the previous appeal scheme was considered, and deal generally with landscape impact (CP51), amenity and design issues in a broad context (CP57), and heritage impact matters (CP58). Wiltshire Council's Core Strategy Policy CP57 'Ensuring high quality design and place shaping'.

In 2024, the Wiltshire Design Guide was adopted. This document elaborates on adopted Core Policy 57, and is now a material consideration in the determination of planning applications. The guides contents are structured around the 10 characteristics of design as recognized in the National Design Guide. This document echoes the NPPF guidance at paragraph 2.2.7 that "Seeking pre-application advice is recommended for all applications where available". At paragraph 2.2.8, it also indicates that outline applications "should still consider certain design expectations as these will be key factors in the financial viability and deliverability of projects", including developer contributions, abnormal infrastructure costs, and additional costs allowances. Section 5.1 and 5.2 refers to connected networks of routes for all modes of transport and the prioritizing of active travel. Other sections cover Blue and Green Infrastructure and detailed design and materials.

The Laverstock and Ford Neighbourhood Plan was also adopted in 2022, and this contains design led policies, and a Parish Design Guide, as referred to elsewhere in this document (see Policy section).

9.21 Development Masterplan

The supporting text of the above policy CP25 at the last line on para 5.121 indicates that:

".....The Master Plan will be developed in partnership with the local community, local planning authority and the developer prior to any application being considered."

As submitted with the application, the "Masterplan" simply comprises a number of the drawings and is supported by the EIA information. However, a "masterplan" can come in many forms and there is no definition of what form or content a masterplan can or must take/include.

The quality of the public consultation undertaken to inform the document has however been disputed by several third parties, who have generally indicated that the document was not drawn up in partnership with others, and that its contents therefore do not reflect the views of the local community.

On this point, the previous appeal Inspector makes the following point, at para 67:

67. *"....Whilst the accompanying text to the CS Policy does refer to the masterplan being developed in partnership with the local community and the Council, I am also conscious that although the appellant company has not stuck strictly to the letter of that text, in an attempt to move the development forward they have used the planning application consideration of the scheme as a means of consultation and evolving the proposal. **I consider this responds to the spirit of the policy in seeking to enhance the heritage value of the Airfield in a timely fashion...."**(my emphasis)*

Therefore, based on the Inspectors reasoning above, whilst the ideal scenario would have been

that a previously agreed and adopted Masterplan would have been developed prior to this application being submitted, ultimately, the applicants are entitled to submit a formal planning application with what they consider to be appropriate supporting information and ask for it to be considered by the Local Planning Authority.

However, it remains the case that the scheme subject of this application flows from the Master Plan. Hence, the acceptability of the Master Plan is intrinsically linked to the acceptability of the application proposal.

Conservation Management Plan

Criteria (i) of the main policy text of CP25 states that: “..... *A long-term proactive strategy for the enhancement of the Conservation Area including management plan and public access and visitor/interpretive material on its historic relevance.*” The applicants Plan include the following measures:

- A development master plan, which sets out proposals for high quality development that takes opportunities to enhance the historic environment and improve the visual and functional association between historic hangars and the grass flying field along with a package of aviation heritage related initiatives;
- Repair of hangar 3 which is in poor condition;
- Retaining hangar 3 in use for aircraft storage and ancillary aviation uses, which is its original design use and optimum beneficial use.
- Enhancement of the setting of the designated hangars by demolishing/removing the unattractive development ‘clutter’ which currently segregates the hangars from the flying field and by maintaining the aircraft movements between the hangars and the flying field which are key to their setting and understanding of their cultural value;
- Initiating a training programme for historic aircraft repair and conservation skills;
- Providing improved public access to the flying field and the rest of the conservation area through the creation of linked footpaths with specific viewing points to show the relationship between the grass flying field and the listed WWI hangars, of key significance as identified in the revised listing descriptions;
- Highlighting the line of the Portway across area A which enhances the setting of the Scheduled monument by showing more clearly its relationship with the roman road;
- Working with neighbouring owners to link the footways to a wider system leading to the scheduled monument and other destination sites in the area, making them more attractive to visit on foot
- Control of agricultural activity on the airfield to avoid negative impact on the setting of the hangars and avoid damage to the below ground archaeology.

Overall design issues related to the development areas

Area A

This land is currently of an open character. It is bounded by hedging along its northern parts, with the large industrial units to the north east. The land (and that for Area B & C) is clearly visible from the surrounding area, including the adjacent Old Sarum Monument, and the Ford road to the south. It is the adjacent airfield and commercial buildings, and also the more recent developments of Old Sarum and Longhedge. The site is and will be readily visible looking northwards from the higher land associated with the Country Park to the south of the site.



Original layout of Area as appeal scheme (302 dwellings)

Area A was previously laid out as the plan above with 302 dwellings, and a southern building line level with Area B buildings. In respect of the previous appeal scheme above and Area A, the Inspector indicated from paras 38 onwards to 45 of her decision that in relation to the previous scheme:

- The development of Area A would unquestionably erode the open character and appearance of the Conservation Area. That erosion would also diminish the setting of the listed Airfield buildings merely in so far as it forms part of the Airfield itself
- The business park, as an unsympathetic block of uninspiring, indifferent, urban, industrial sheds is particularly harmful in views from the SAM being a strongly negative element in its wider setting.
- The Illustrative Master Plan does not convince me that a development of the density and dwelling number and type could be accommodated appropriately within Area A,
- A successful development of Area A needs to create its own sense of place taking into account the sensitivity of its location where its relationship with various heritage assets is of paramount importance
- The fundamentals of the layout and design of Area A are not matters which should be put off to a later decision in the context of this sensitive location where heritage considerations are to the fore.

The Inspector did however welcome the re-establishment of the line of the Roman Road as a public benefit of the scheme, at her paragraph 57.

Revisions to Area A

In response to the appeal inspectors comments and following their own private consultation discussions with Historic England, the applicants have reduced Area A to 160 dwellings, from 302 dwellings as proposed at appeal, and set back the housing from the main runway and open area, as the plan below. The route of the Roman Road remains emphasized, and additional computer renderings of the proposed dwellings, views and vistas have been submitted.

The applicants have submitted a Design Code which outlines the type and form of development

and materials which could be utilised. The intention being that a planning condition could be imposed on any future approval which tied any future development to the design principles in the Design Code.



Revised layout of Area A 160 dwellings

As before, the layout of the scheme would retain the route of an old roman road which originally ran from the end of the adjacent Portway road, towards Old Sarum Monument. Dwellings would then be arranged around this feature. This is welcomed, and in line with the Inspectors comments reiterated above. The additional illustrative material submitted with this current application demonstrates that the route of this heritage asset would be enhanced.



Indicative View 5- View identifying the alignment of the former Roman Road crossing Area A

As before, landscaping is proposed along the western edge of the development, with vehicular access being created off the Portway road to the northern edge of the site, and to the north east, off the existing road system that currently serves part of the adjacent industrial estate and the airfield. As before, the creation of the accesses would result in the loss of part of some of the existing mature hedging which sits along the northern edge.

The submitted indicative details for this area show a housing development of contemporary design, with the 3 storey apartment buildings located adjacent to the airfield perimeter to the south east (see graphic below). Whilst a line of hedging is shown on the indicative plan between the apartments and the runway area, unless this hedging was in time allowed to grow significantly in height, the proposed apartments would be readily visible from the south from the Country Park area. These apartments would be visible obliquely from Old Sarum Monument, as shown by the applicants drawings. The applicants submitted building heights plan indicates that many of the buildings on Area A could be up to 13.8m in height, with the remainder being up to 12.8m in height.



Above : Graphic of proposed apartments adjacent the airfield Area A southern edge

Whilst landscaping has been suggested along the western edge of the development, given the overall massing of the residential buildings being proposed, it would seem likely that any such landscaping would only serve a general softening role in terms of the visual impact of the development. The Council's Landscape officer comments confirm this assertion.

Details within the design code document suggest dwellings of mixture of materials including various brick colours/types with contemporary metal style cladding and timber cladding, and standing seam metal roofing (some traditional pitched, or barrel vault curved shaped), as well as more "traditional" grey tile. The elevational designs also show townhouse design and materials reflecting those already permitted on the adjacent Old Sarum development. The applicants have also submitted supporting photomontages and sectional drawings.

Historic England, indicates that in terms of the development of Area and the retention of the line of the Roman Road (extract):

*..The removal of more of the open ground **will erode the significance of the monument further as the open landscape and rural nature of its setting is developed. This will cause some harm, but less than that which would have occurred had the 2019 application been allowed.***

*While the construction of housing in **Area A will continue to cause some harm through eroding the open character of the airfield and infringing upon the open setting of Old Sarum, the enhancements to the Roman Road and the screening of the industrial units are considered to provide some heritage benefits**" (officer emphasis).*

The Historic England comments goes onto confirm:

*"When considered against the heritage benefits of the improved relationship and visual **accessibility of the former Roman Road route**, and the screening of the 20th century industrial buildings around the Airfield, we consider this harm to have been mitigated as far as possible. **The development now follows better the requirements of Core Policy 25**". (officer emphasis)*

The Council's Conservation officer has indicated the following regards the adjustment to Area A:

“Notwithstanding the limited certainty provided by an outline application, the illustrative material for Area A has been revised, the buildings at the southern edge have become 3-storeyed blocks of flats with cambered roofs imitating the hangars, and they’re aligned differently. Fundamentally however, it is still an extensive development of an area noted for its open landscape character and clearly intrudes into the foreground setting of the hillfort. The open character of this area would be lost completely and the visual experience of the relationship between Old Sarum and the airfield, and of the airfield itself, would be significantly altered.

This harm is not confined to the setting of the hillfort, it is a significant impact on the character of the CA and an area of the airfield that has historically been used for flying activity”.

The Council’s Urban Design Officer has also raised detailed concerns regarding Area A particularly in relation to the coverage and scale (mass(ing) and height) of development presented and the visual impact this would have on the context and setting of the Old Sarum Ancient Monument.

Impact of Area A

It is considered that the redesign of Area A improves upon the appeal scheme, in terms of the significant reduction in the number of dwellings from 302 to 160, and the subsequent reduction in the overall area taken up by development, which allows Area A to be set back some distance from the airstrip area. The approximate area of reduction since the previous scheme is shown on the plan extract below, (blue area).



Blue area – reduction in Area A extent

The overall layout of the dwellings in Area A as now suggested would appear to following a generally “traditional” housing layout format similar to other modern housing estates with normal parking arrangements and areas adjacent to dwellings or within plots, and with feature buildings at prominent points throughout the development.

However, the revised scheme does still include a number of prominent apartment blocks along the southern edge of Area A facing the airfield and associated open land. Although the surrounding area does indeed contain multi-storey apartment blocks at the Old Sarum and Longhedge sites, and the Riverdown Park housing development to the south of Roman Road, these buildings are not quite as tall or as bold in architectural terms as those suggested for Area A. The applicants own building heights drawing suggests that the buildings in Area A would be a maximum of 12.8 and 13.8m high.

The Parish Design Guide, which forms part of the Laverstock and Ford Neighbourhood Plan, suggests that no development should exceed 50 dwellings (page 5, section 6 “Impact on surrounding Landscape”, subsection 6.6). The same section, subsection 6.3 and 6.4, indicate that:

6.3 All structures should be limited to a maximum height of 10 m (2.5 storeys), with the upper storey within the roof, reducing in height at higher elevations within a site to minimise visual intrusion of the roofscape.

6.4 Structures should not extend above the skyline from viewpoints outside the development

Officers remain to be convinced that even well designed and detailed apartment blocks and housing of the scale suggested and in this prominent location could alleviate the existing visual detriment to the landscape caused by the existing industrial buildings, particularly as the designs are illustrative only due to the outline nature of the application.

Thus, officers also remain to be convinced that a scheme based on the indicative layout and designs would provide a high quality residential development that would satisfactorily mitigate the impacts of existing buildings and be in accordance with the criteria set out in Policy CP25.

Impact on Beehive Toll House

This grade 2 listed building is located some distance to the south of Area A. Its immediate setting and context was altered significantly a number of years ago with the construction of the park and ride complex and the associated roundabout and access junctions. Given this, and the distance from the application site, it is considered that the character and setting of the building is unlikely to be affected to any significant degree.

Area B

Area B is located along the east facing edge of the existing airfield and adjacent commercial buildings. It is readily visible from the surrounding landscape. Part of the reasoning behind Core Policy 25 is to mitigate the visual impacts of the existing buildings in this location, particularly the modern industrial buildings.

The previous appeal proposal (below) envisaged a number of buildings along this edge, the intention being that a visual gap is left between any new development which would improve the setting of the listed hangars, along with the removal of other ancillary clutter and buildings in this area.



Previous layout for Area B appeal scheme

In respect of the previous appeal scheme, the Inspector indicated that (at para 29, 30,31):

“29 ... **The setting of the buildings has Page 62** **fortunately eroded by modern development, to a point where it is only where the hangars and Airfield are experienced in close physical**

association that the union and mutual inter-dependency of the Airfield and the hangars, as an expression of its war time service, can still be appreciated.”(officer emphasis)

30. Further, whilst outside of the Airfield Conservation Area, **the buildings of the business park are intrusive and neither preserve nor enhance its character and appearance (officer emphasis).**

31.. The plans and design concepts are accepted as being for illustrative purposes only, **but they do present an exciting and innovative glimpse at what could be achieved at Old Sarum revitalising the flying field and paying respectful homage to its past, whilst embracing its future firmly based in a continuation of flying from the Airfield. The buildings would also serve to physically frame views of the listed hangars as a centrally located aviation focus, creating a clear statement of the aviation purpose of Old Sarum, something which is currently lacking as described above.The development of Area B in the way indicated in Inquiry Document 36 would significantly enhance the hangars’ setting as well as their historic interest creating a modern expression of the original wartime flying hub. In this way the character and appearance of the Conservation Area would also be enhanced. The close proximity of any new flying hub buildings to the business park would have little impact on the openness of the Airfield, nor of the wider countryside setting of Old Sarum SAM from which the new buildings would be visible, but would be seen in the context of the Airfield with the potential to draw the eye from the urban/industrial buildings of Castlegate (officer emphasis).**



Above: Revised layout for Area B

Revised scheme for Area B

The revised scheme subject of this application is in terms of its layout, similar to the appeal scheme, albeit that the aviation hub building has been repositioned to the northern part of Area B from its previous southern location as part of the appeal scheme. The revised scheme now shows 4 hangars/industrial buildings in the southern part of Area B, and 3 hangars/industrial buildings and the aviation building in the northern part of Area B. Previous sketches submitted as part of the appeal scheme have been resubmitted, together with computer renderings/sections of the Area B buildings. (Although 6 hangars are shown on one of the layout drawings for Area B, and this number has been referred to in the applicant’s viability data).

The applicants submitted ES at 6.2.9 explains Area B proposal as follows:

6.2.9 This area will comprise 2.83ha of land and will accommodate a new flying hub envisaged to comprise B2/B8/E(a-c)/E(g)/sui generis type development plus specific sui generis/F(c),(d) uses associated with continuing flying activities, **however these uses are subject to further agreement**. Specific proposals include the refurbishment of the WW1 hangar, improved connectivity of listed buildings to the airfield, new control tower, restaurant, fast food cafe, seminar/training rooms, museum wall, parachute centre, library/archive space and private aircraft hangars. **A residential component (use class C3) may also be incorporated**. Access will be from Lancaster Road. Proposals also include the demolition and removal of structures detrimental to the historic hangar frontage (**officer emphasis**).

Regards the above, it is noted that the use classes being proposed are of a broad range, and it is not specified that such uses would relate to the airfield, with Classes B2 & B8 being general industrial use, and storage and distribution uses. Class E uses referred to relate to retail and similar uses. It is noted that the uses are intended for "further agreement". It is also noted that a residential component is referred to. However, this element was deleted as part of the previous application, and thus it is assumed that the first floor of the hangar buildings would be ancillary to the use of the ground floors. The maximum amount of housing for the scheme as whole is 315 dwellings (on which all the assessments for the application are presumably predicated), and this figure does not allow for any residential uses in Area B.

Historic England has indicated as follows:

*In terms of Area B, the proposed development is positioned so as to limit the direct impact on the relationship between the Hangars and the airstrip. The airstrip would need to be moved to accommodate these hangars. However, the grass airstrip has historically occupied a number of different positions. **The form of the development proposed in Area B, with its aesthetic inspired by historic aviation, will create a positive visual relationship with the airfield.***

However, the Council's Conservation Officer indicates that:

"I do not agree with Historic England and the appeal inspector that Area B development is justified for the purpose of screening the modern industrial buildings. The scheme is so bold that it completely dominates the historic character of the airfield with buildings for which there is no historic precedent, and creates a new character area of its own, rather than respecting the distinct character of the defined areas that are an important characteristic of the CA. The functions of all but one of the Area B buildings are unnecessary for operation of the airfield. Of note is the 'building heights' plan which shows the Area B buildings to be 'up to 14m' – the existing hangars are about 9.5m and the industrial units are mostly 8-9m, the tallest being the former Equinox building at 10.5m. The modern commercial buildings replaced the destroyed hangar and extended the built area to the west, but retained the general characteristic of large industrial sheds and the relationship with the flying field by maintaining a strict building line aligned with the south side of the central hangar. The inspector's view that 'creating a modern expression of the original wartime flying hub' would be an enhancement is certainly an interesting interpretation but the real 'original wartime flying hub' is already there to be experienced and enjoyed. I am not persuaded that screening one set of commercial buildings with another set (and which are taller with visually pronounced shaded eaves) would preserve or enhance the situation regarding visibility and intrusivity of modern development around the listed buildings or the character of the CA as expected by PLBCA Act 1990, although the inspector's explicit opinion cannot be ignored.

*It is unclear whether the building shown at the NE corner on some drawings, near the squash courts, is intended – **it's on the concept masterplan but not the Area B-specific document (8441 A01)**: this building is objectionable as it stands further forward of both the proposed and existing units and intrudes into the long view from the hillfort of the flying strip with its parallel buildings and the view along the strip from within the airfield. The character of the proposed buildings, especially the 'restaurant/aviation' building, seems to be loosely inspired by early commercial airport terminals yet, as the Planning Report notes, the absence of such post 1938 interventions is key to the special interest of the site" (**officer emphasis**)*

The Council's Urban Design officer also raises issues regards Area B in terms of the hangar buildings being readily visible when viewed from the Old Sarum Monument in the context of Area A.

Impact of Area B

It is clear that the overall design and its impact on the heritage asset has resulted in a difference of opinion between the consultees and the previous planning Inspector for the appeal, who's comments suggest that the previous Area B scheme was generally acceptable in terms of its heritage impacts. Historic England on the other hand seem to suggest that given the heritage improvement which would result from the rebuilding of Hangar 3, that the overall harm to the wider heritage asset might be acceptable. Historic England do however indicate that the final decision in terms of the balance of the harm to the heritage asset should be a decision for the Council.

It is accepted that policy CP25 allows for potential development within Area B, but that is subject to the impacts of that development. Furthermore, whilst CP25 refers to the enhancement of facilities at the airfield, no quantum or scale is provided.

The buildings in Area B are shown on the submitted building heights plan as being up to 14m in height. As highlighted in the section of the report above regards Area 1, the Laverstock and Ford Neighbourhood Plan Design Guide contains a policy related to restricting heights of buildings (page 5, section 6 "Impact on surrounding Landscape" subsection 6.3 and 6.4). The suggested heights of Area B buildings exceeds this requirement.

The use of the hangar buildings is somewhat unclear, as a range of uses is provided as part of the application, including a reference to possible residential use in the environmental statement. The submitted layout plan for Area B (extract above) and the sketch plans however show the upper floors of the hangar buildings as being "Hangar/Ancillary and B1 use". Class B1 use was removed a few years ago, and absorbed into Class E by the 2020 Use Classes Order changes, and general office use is now Class E (g). It is assumed the upper floor would therefore be utilized for general office and or ancillary storage use, but the plans are not clear in that respect.

As with the previous appeal scheme, the sketch elevations and computerized elevations of the hangars still show a residential character particularly on their visible east elevations, which contained first floor glazing and balconies. It is presumed that buildings intended to operate as aircraft hangars would be simpler structures with far less need for glazing. This would then affect the visual appearance of the buildings and their visual impact, and possibly their height. A glazed upper floor on all the hangar buildings across Area B would be likely to significantly increase the visibility of the buildings from a distance.



Proposed elevation of hangar buildings and aviation building facing airfield



Whilst the applicant's intention was to produce buildings which would screen the existing industrial units, no justification for the height/scale of the hangar buildings is provided at present, and no justification for the number of buildings proposed. The discrepancy in the number of hangars shown on the specific Area B plans (6) compared to other plans (7).

Whilst it is accepted that in improving the currently limited restaurant facilities, some increase in scale is acceptable, the applicant has not explained in any detail why the new control tower needs to be of the scale suggested to serve the needs of the airfield, particularly in the context of any future agreed restrictions on the operation of the airfield.

Whilst matters such as scale and design could be dealt with via any future reserved matters application, if the current plans and Design Code document was to be conditioned as part of any outline consent, this would make it very difficult for the Council to refuse any buildings along this eastern edge which would be approximately of the scale and design suggested in the Code or submitted sketches.

Therefore, whilst in principle, the provision of enhanced facilities associated with the operation of the airfield and its business, as well as to provide ancillary uses which have a synergy with the airfield operation is welcomed, in the absence of suitable justification or details of the scale of the buildings, or clarification regards the overall height and use, officers remain to be convinced that the buildings being proposed along this very visible edge could not be reduced in scale and height considerably, and thus the final visual impact of the scheme on the heritage assets and surrounding area could not be equally reduced, as well as potentially reducing the cost of construction.

Repair/enhancement to Listed Hangar on site

Hangar 3 was in a state of disrepair during the course of the previous application and appeal process. The previous appeal Inspector listed the restoration of Hangar 3 as one of the public benefits of the scheme, and stated as follows at paragraph 50 of her decision:

".....Even in the context of the possibility that the building would be repaired outside of the proposed scheme I ascribe considerable weight to the early reversal of the hangar's current decline"(officer emphasis)

Similarly, the removal of the unsympathetic more recent buildings and structures in Area B were also listed as a public benefit by the appeal Inspector at her paragraph 51. Likewise, the Inspector also listed the improvements to the flying field, and the extension and improvement of the existing flying hub as public benefits of the scheme, in her paragraphs 52-54.

The applicant's submitted scheme indicates that as part of the overall development of Area B, repair works to the listed hangar 3 will take place. Indeed, during the lifetime of this planning application, a listed building application was submitted and approved for repair works to this hangar. As a result of recent storm damage, the hangar is now currently in a very much deteriorated state compared to its condition at the time of the previous appeal. The applicants

estimates that these repairs would cost some £3 million pounds, and have provided a detailed run-down of the works which need undertaking.

Such repair is of course welcomed in principle. Historic England has stated the following:

*“However, **the condition of Hangar 3 remains of major concern**, and part of the proposal is its repair and reuse. Sufficient evidence has now been supplied to demonstrate that the hangar can be restored/rebuilt.*

The proposed rebuild/restoration of the hangar is a major heritage benefit. The harm caused by the proposed new development that we have identified above has been minimised as far as possible through good design. We are content that in heritage terms alone, the heritage benefits outweigh the heritage harm. There will, of course, be wider planning issues for your authority to consider upon which Historic England are not qualified to comment (officer emphasis).

However, whilst Historic England consider that the repair/rebuild of hangar 3 is enough to outweigh the heritage harm of the wider proposal, the Council's Conservation officer has stated that:

“Historic England caveat their response by expressing concern that the level of benefit is being eroded by deterioration of the hangar, noting that it could be lost completely. If this had occurred already, would the council consider that the other benefits of the proposals were sufficient to outweigh the harms? Certainly, a replica building (if that were achievable) would contribute visually to the character of the CA and setting of the other hangars, but it would have lost the majority of its significance. It would be difficult to argue that the levels of harm to the character of the airfield would be outweighed by the construction of a replica.”

Previously, as part of the original appeal scheme, because there was a lack of clarity in relation to the exact scope of works and which buildings/ hangars are affected, and without a detailed S106 agreement to secure such works or funds, this matter was included within the putative reasons for refusal. However, this particular matter has now been resolved with the approval of the 2024 listed building consent, and it is considered that the repair of the hangar, and the timing of those repairs, could be subject of a suitable planning condition.

Area C

This site is readily visible, both from the Ford Roman Road, and the wider area to the south east, around Ford and the Country Park. Equally, it would be readily visible from Green Lane to the east.



Previous appeal scheme layout Area C

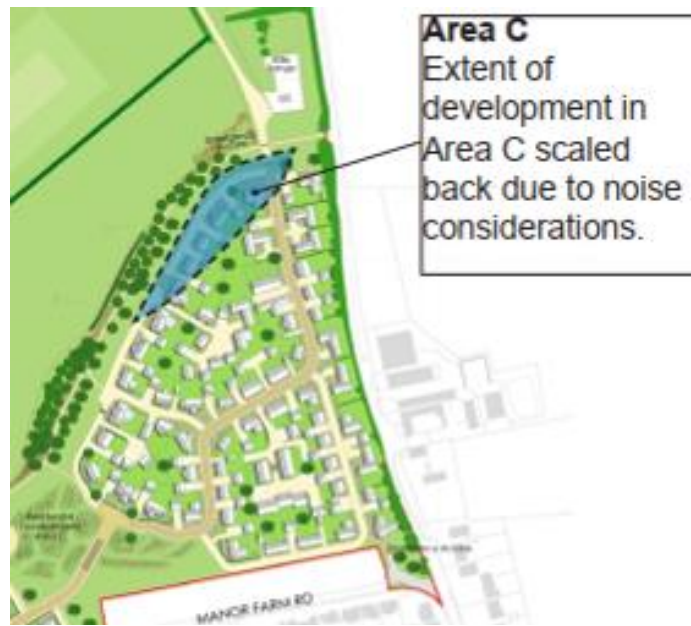
As above, the previous appeal scheme proposed up to 160 dwellings in this location. In respect of that previous appeal scheme, the Inspector indicated at para 33 to 36 that:

33.***The ridge and downward slope would, in my judgement, serve to conceal any new development in Area C from views from across the Airfield28 or from Old Sarum SAM. (officer emphasis)*** The landscape strategy is to plant up the ridge with trees to create a firm visual edge to the operational Airfield.

35. ***From more distant views in the landscape looking across the Airfield Conservation Area from the north-east, new homes in Area C would be viewed in the context of Ford village and in adopting a sympathetic design and layout, reflecting the character of this rural settlement, a strong relationship in character and appearance terms could be established (officer emphasis)***

36. ***Nonetheless, in respect of its importance to the significance of the Conservation Area and, to a lesser extent, to the setting of listed buildings on the far-side of the Airfield from Area C, the development site still forms part of the wider airfield context and the development of this part of the Airfield would represent an erosion of the wider Conservation Area, diminishing the openness of the grassed operational area with consequential harm to appearance and character of heritage assets and their significance (officer emphasis).***

Area C has been reduced in area as per the plan extract below:



The current revised scheme shows up to 155 dwellings, as the plan below:



Revised Area C (northern part)



Revised Area C (southern part)

The submitted information show a suburban style development, which if suitable conditioned, may in general terms result in a scheme which could be generally acceptable (in design terms), as the previous appeal Inspector suggests. However, the building heights plan submitted indicates that the 2 storey dwellings on the site would be a maximum height of 10.2 metres, and the 2.5 storey buildings on the site would be a maximum of 12.8 metres in height. As shown by the previous appeal documents, the applicants own landscape visual assessment document indicates that some of the roofs of the dwellings, along the northern most part of the housing in Area C would be visible from the environs of the aircraft hangars, and from the Old Sarum Ancient monument, as photomontage below (yellow wire frame refers to proposed development).



Historic England has commented thus regards Area C:

*“The proposed development at Area C will **just be visible from Old Sarum, though planting will screen the development. It will further reduce the open nature of the Conservation Area**, but the harm is towards **the lower end of the wide range** of impacts encompassed by the broad spectrum of less than substantial harm.”(officer emphasis)*

Historic England do not raise an issue with regards the design of Area C.

The Council’s Conservation Officer also indicates that: *“Roofs of the new buildings and their boundary treatments would be visible from the airstrip, as can be seen in Appendix 10.3.”*

Similarly, the Council’s Urban Design officer highlights the same matter and queries whether the intended landscape screening would mitigate the impact, particularly during autumn and winter.

Impact of Area C

Area C has been reduced by 5 dwellings since the previous appeal scheme. Whilst the comments of Historic England are noted, it is considered that the proposal remains very similar in its likely impacts to the previous appeal scheme. Officers have also noted that whilst the sketches seem to suggest housing of a scale reflecting ordinary suburban housing, information supplied by the applicant indicates that some of the suggested properties may be 5 or 6 bedroom properties, with some 2.5 storey buildings located close to the northern edge of the scheme as shown on the applicants building heights plan. There would appear to be some scope to reduce the size of the proposed dwellings and hence reduce the size of Area C and its impact.

The applicants own visual assessment also indicates that part of the northern edge of the development would be visible above the adjacent ridge line, and hence visible from across the open airfield, and visible from Old Sarum Monument. The Parish Design Guide, which forms part of the Laverstock and Ford Neighbourhood Plan, suggests that no development should exceed 50 dwellings (page 5, section 6 "Impact on surrounding Landscape", subsection 6.6). The same section, subsection 6.3 and 6.4 limits heights of buildings in this area.

Similarly, the Green Buffer designated in that Neighbourhood Plan covers the grass airstrip to the immediate north of Area C. A landscape belt is proposed along the northern edge of Area C. Consequently, Area C as suggested would then be likely to have the visual effect of reducing the prominence of the green buffer, when viewing Area C and the green buffer from the southwards direction, particularly with the proposed Area B development in the background.

Impact of all three development areas - Summary

One of the aims of CP25 (criteria (ii)) is consequently to produce a high quality strategic landscape improvement to mitigate impacts of existing intrusive buildings, to soften impacts when viewed both out and into the Conservation Area and from Old Sarum SAM.

The appeal Inspector concluded in relation to all three areas of previously proposed development at paragraph 47 that: ***The proposed development would represent an erosion of the open character and appearance of the Airfield Conservation Area, the setting of the listed hangars and that of the Old Sarum SAM***

Historic England summarises its position as:

"While we consider that the layout, disposition, and design of the proposed new housing responds to the character and appearance of the conservation and the setting of nearby heritage assets, there would still a be degree of harm to the character and appearance of the conservation area, through the introduction of built form into historically open land.

There would also be a slight degree of harm to the setting of Old Sarum hillfort, a Scheduled Ancient Monument. This is because the hillfort derives some of its significance from its open setting, into which further built form would be introduced.

However, to be balanced against this is the significant heritage benefit associated with the restoration/rebuilding of the part-collapsed Hangar 3. In Historic England's view, the heritage benefits of restoring/rebuilding the hangar outweigh the heritage harm I have described above".

However, the Council's Conservation officer concludes his position as thus:

"...There would be significant harm to the character of the airfield conservation area, and to a lesser degree the setting of the hangars, caused by the loss of openness and by the siting of development forward of the historic building line for the technical area. This is contrary to the aims of s72 and 66 of PLBCA Act 1990. In addition there would be harm to the setting of the scheduled monument via the development within its setting. The harm caused would be contrary to the aims of the NPPF, CP58 and CP25.

*...In the absence of any other specific proposals that provide confidence that the public benefits of the scheme can be secured for the long-term future of the airfield, it is my opinion that the heritage benefits which can be secured are limited and insufficient to outweigh the harm that will be caused to the settings of these highly graded assets. I therefore **object** to the approval of the application with regard to its impact on the historic environment..”.*

The planning application is accompanied by a comprehensive Landscape and Visual Impact Assessment (LVIA) that is supported by extensive supporting documentation, including viewpoint photography, verified photomontages and the use of GIS models to represent zones of theoretical visibility. The Council's Landscape officer has commented thus (extract/summary):

“I am fairly satisfied that landscape concerns I raised in the 15/04004/OUT have been considered in this new iteration....A significant characteristic of Old Sarum is its elevated position that has provided a strategic vantage point for the surveillance of the wider landscape for centuries. The airfield is very much part of the view to the east and the continued use of the air strip will ensure that a clear view across the fields and to the landscape beyond is maintained. I completely accept that any development in Area A can only be filtered rather than screened when viewed from the SAM due to the elevation however it is desirable to maintain an open visual connection to the wider landscape.”

Taking the above into account, it is considered that it is the quantum of development being proposed by the applicant that appears to be the main source of many of the issues, and the apparent scale (massing) and height) of the development. With regards Area A, it is acknowledged that the number of dwellings has been significantly reduced down to a maximum of 160 dwellings in Area A, and this has allowed the built form to be set back from the airfield area. It is also acknowledged that the line of the Roman Road is better defined than the previous appeal scheme, and that the surrounding housing would be provide a less dense development than the previous appeal scheme, with housing of a design which would be sympathetic in their overall form to the character of the airfield, and the wider residential area beyond. In that respect, the scheme seems to have addressed some of the concerns of the previous appeal Inspector.

However, some of the 160 dwellings are provided by the provision of a number of three storey apartment blocks along the southern edge of Area A. Whilst the scheme is in outline only, the submitted information and Design Code clearly indicates the apartment blocks in this location. Further, in order to fit the quantum of development (ie 160 dwellings) suggested into the reduced envelope of Area A, apartment blocks would have to be provided. Therefore, whatever the final detailed design of these apartment blocks would be at a later reserved matters stage, if the application is approved and tied to the submitted Design Code, then the principle of large apartment blocks in the position and to the scale shown has been accepted.

These apartment blocks would be readily visible from the adjacent open land, and particularly when viewed from a southerly aspect, where they would be seen in a linear fashion. They would create a stark and prominent urban edge to Area A, unsympathetic to the character of the area, and would have an adverse impact on the wider airfield Conservation Area, and the Old Sarum SAM Conservation Area. As a consequence, it is considered that the scheme has not fully overcome the concerns of the previous Inspector regards the overall impact of Area A.

With regards Area B, computer renderings of the planned hangers and main aviation building have now been submitted with this application, alongside the resubmission of the previous sketches submitted as part of the appeal scheme. This helps to visualize the overall likely impact of the Area B. Whilst the Inspectors apparent positive comments regards Area B are noted and are a significant material consideration, and that enhancement of airfield facilities is a stipulation of policy CP25, it is clear that there remains heritage concerns from the Council's Conservation Officer regards the overall impact of these buildings on the wider conservation area, and it is unclear why such significantly sized hangars and a substantial aviation building would be required to service the airfield, particularly when it is intended that the future flying operation of the airfield would be restricted by a number of planning conditions. The hangars are also shown on the submitted plans as being for general industrial use (previous Class B1 use), and this also suggests that the units may not be needed for the purposes of the airfield operations. Therefore, whilst buildings in this location would also provide a positive function of screening the adjacent

industrial buildings, the quantum and overall scale of development proposed appears to be somewhat disproportionate to meet the needs of an enhanced airfield operation. The applicants own Planning statement notes at point 7.38 that: *“Inevitably, due to the proximity of the development proposed in Areas A and B, significant visual effects would be experienced from Old Sarum SM.”*

In terms of Area C, the number of dwellings would only be reduced to a maximum of 155, down from the maximum 160 proposed as part of the appeal scheme. The applicants own wire-frame drawings still indicate that the dwellings at the top of the rising land would be likely to be visible over the existing ridge from the airfield. The applicants own Planning statement notes at point 7.35 that *“... The construction of houses within Area C would result in a marginal extension of the zone of visibility to include the eastern section of Old Sarum SM..”*

Furthermore, the footprint and overall scale of some of the dwellings in Area C would seem capable of reduction, with a number of them being 5 or 6 bedroom properties. It remains the case that if the amount of dwellings was reduced in Area C, and the overall scale of the dwellings reconsidered, this would reduce its likely visual impact on the airfield Conservation Area and the Old Sarum SAM.

Therefore, whilst the response of Historic England has been taken into consideration, as have the previous concerns of the Inspector regards Area A & C, given the remaining the concerns of the Council's Conservation Officer, it is considered that there would be significant harm to the character of the airfield Conservation Area, and to a lesser degree the setting of the listed existing hangars, caused by the loss of openness and by the siting of development of the scale and quantum forward of the historic building line for the technical area of Area B.

As a whole, it is considered that this scheme would result in “less than substantial harm” to the heritage assets. The NPPF states that ‘less than substantial harm’ may be weighed against the public benefits of a scheme (paragraph 208). The following report will consider whether the harm to the heritage asset is outweighed by the public benefits of the scheme.

9.3 Impact on amenity/noise issues

Aircraft Noise issues

One of the main aims of Policy CP25 (criterion 3) is to secure noise controls over the existing airfield operations, as a result of historic complaints from surrounding residents. Core Policy 57 of the WCS generally deals with amenity and disturbance issues. The NPPG also covers noise related matters. More specifically, Central Government's Aviation Policy Framework 2013, Section 3 of the document states:

“..General aviation and helicopters

3.42annoyance can also be caused by smaller aerodromes used for business and general aviation (GA) purposes, especially at times of intensive activity. However, it would not be appropriate for the Government to intervene by exercising powers under section 78 of the Civil Aviation Act 1982 to set noise controls at small aerodromes. Industry has developed codes of practice and the CAA has produced guidance. We would encourage the GA sector and the CAA to review their respective best practice and guidance to reflect the policy adopted in this Policy Framework. We would also encourage the sector to monitor compliance with its codes of practice.

Hence, one of the main aims of policy CP25 is to improve the amenity of those residents living close to the airfield, and to secure controls over the airfield as part of an enforceable legal agreement. As explained, flying operations at the airfield are not currently subject of any planning controls, and the only way for the Council to impose such controls would be via an agreement with the airfield operators.

Previous appeal scheme

mitigation and aircraft operations, flying times and numbers on the level of aircraft.

However, as part of the previous appeal scheme, a range of conditions were agreed between the parties. Subsequently, the Inspector stated the following regards amenity issues:

53. *The re-alignment of the airstrip would also serve to reduce the overflying of the Old Sarum SAM. **This would reduce noise in the immediacy of the SAM itself** which would enhance its character.(officer emphasis)*

56. *Control of flying movements which currently remain unrestricted. In the circumstances of the provision of an appropriate mechanism to secure the restriction of hours of use for flying purposes and type of aircraft using the Airfield, **this would be a significant public benefit**. I heard that over time there has been cause to complain about aircraft noise by local residents both in the immediate environs and in Salisbury itself. **The control of the number of aircraft movements along with restricted times of flying would certainly improve noise levels issuing from the use of the Airfield in general**. The proffered monitoring and reporting of aircraft noise would serve to oversee the reasonable controls sought. Resultant improvements to the amenities of local residents should be given considerable weight in any balancing exercise.(officer emphasis)*

Current scheme

Further to the previous agreement of planning conditions during the last appeal process, these have been revisited, and the Council's Public Protection officer has now commented as follows with regards to noise from the airfield:

"...I note the site layout for Areas A and C have been altered for this new application and looking at Appendix 14.3 Figure A11482_01_SK001_4.0 dated 13th June 2023 dwellings are set back from the 57dB contour for Area A, and in Area C the contour is on a road in front of houses so no private outside amenity areas are within the 57dB contour in that diagram.



Noise contour plan – blue line 57db

Given these changes in site layout we will not recommend refusal of this application due to the impact of airfield noise, providing suitable conditions are applied to ensure the benefits of this revised layout are taken forward to layouts at reserved matters and there are suitable controls over flying..."

The Council's public protection officer has suggested a number of restrictive conditions, the essence of which are reiterated below. **Page 104** state how the development works and the flying operations would be restricted if this application were to be approved.

- *No construction or demolition work or deliveries shall take place on Sundays or Public Holidays or outside the hours of 0800 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.*
- *Submission of a Construction Management Plan*
- *The Runway Strip shall be realigned*
- *No departures or landing by any aircraft shall take place at the airfield between 1900 hrs and 0800 hrs except in cases of emergency or up to 5 returning aircraft based at the Airfield.*
- *No helicopter flying training shall be permitted/take place.*
- *A scheme of monitoring and reporting of aircraft noise shall be submitted*
- *Limitation on the noise level of aircraft landing or taking off from the airfield shall not exceed 57 dB LAeq 16 hours (0700-2300 hrs)*
- *No dwelling on the site including private external amenity areas, shall be subjected to noise exposure greater than 57 dB LAeq 16hrs (0700-2300hrs)*
- *In the event that monitoring shows that the restrictions have been exceeded action shall be taken by the airfield operator to ensure that the breach is remedied*
- *No reserved matters applications for dwelling, including private external amenity space on the sites will be proposed within the blue 57 dB contour line*
- *In relation to any dwellings predicted to be exposed to sound levels above 51dB LAeq 16hours, a written scheme for noise mitigation to be submitted*
- *A detailed electronic record shall be kept of all aviation movements*
- *A record of all complaints received regarding noise from the airfield site shall be kept by the Airfield Operator*
- *Each year the Airfield Operator shall pay the council £5000 towards the cost resources required for reviewing the technical reports mandated by this agreement.*
- *The number of flights per annum (take-off and landing movements) shall not exceed 35,000 per annum.*
- *Regards Area A the developer shall submit a scheme as part of the reserved matters, detailing noise mitigation measures to protect internal noise levels within the proposed dwellings and noise levels of private external amenity areas from commercial and industrial uses*
- *Details of a scheme for protecting the proposed dwellings from external traffic noise shall be submitted*

Summary

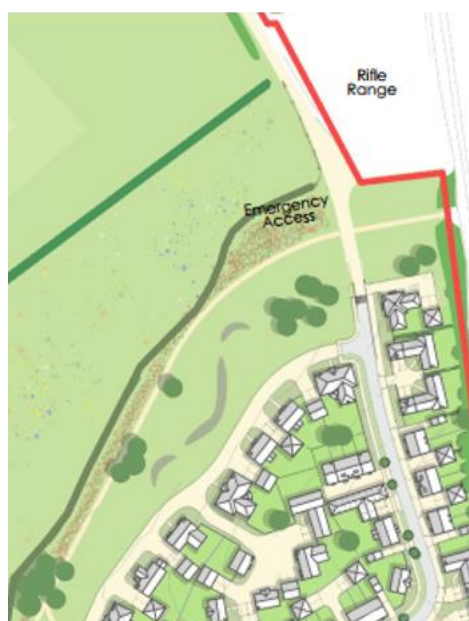
Whilst such matters could be controlled via a very detailed S106 legal agreement as referred to in policy CP25, central government planning advice has evolved since CP25 was originally drafted, and the emphasis now is on using planning conditions to control development, rather than legal agreements. It is therefore considered that subject to the above conditions/restrictions

being put in place and adhered to, the proposal, in terms of its noise impact in aircraft/flying terms, is considered to be acceptable. Criteria iii) of CP25 would therefore be met. (Condition related to £5k monitoring contribution referred to above does however request monies to be paid, and this would need to be secured via a suitable S106).

Impact on and from firing range facility

To the north east corner of the site, adjacent to Area C, is located an historic firing range, which once formed part of the MoD airfield use, but is now in separate usage by a civilian pistol group. The range is currently located away from existing dwellings, separated by field systems and part of the airfield land.

As per the appeal scheme, the housing at the northern most end of Area C is shown as being located in close proximity to the existing firing range, as plan below:



Third party objections have been raised from users of this facility, indicating that should Area C be approved as suggested, then it is likely there would be future noise disturbance to the proposed dwellings. The applicants noise evidence has been disputed by third parties, particularly those involved in the operation of the firing range use.

The applicants have undertaken a noise assessment, and maintained that subject to conditions, the relationship between the firing range and Area C would not be problematical.

Based on the applicant's submitted assessment, the Council's Public protection initially advised that this matter can be resolved via appropriate planning conditions. However, having subsequently seen the third party concerns disputing the applicants information, the public protection officer initially revised her comment to one of refusal, but upon receipt of further information at the time of compilation of this report, she has indicated that further information and reassurance is needed regards the mitigation methods to protect adjacent dwellings from noise.

The applicant has been asked to provide further comment, and further information. At this time, a refusal reason based on the above concern has been recommended at the end of this report. However, officers will update members at the meeting should this matter be resolved.

Air quality

The applicants have submitted a detailed air quality report, which indicates that there would be unlikely to be an issue regarding this matter, particularly as less polluting vehicles (electric etc) come on stream.

The Council's Public Protection Officer has commented thus regards air quality:

"The submitted air quality report makes references to our 2012 Supplementary Planning Document (SPD) which was never formally adopted by the council. A new SPD has been developed alongside our new Air Quality Action Plan (AQAP). Both policy documents were subject to a wider public consultation in 2023 and are due to go to cabinet in March/April this year where we expect them both to be formally adopted. The application is for a development of 315 dwellings in an area which has the potential to increase traffic within the Salisbury London Road Air Quality Management Area (AQMA). The air quality report confirms increases in nitrogen dioxide at the Salisbury London Road AQMA as high as 2.3 µg/m³ at receptors (receptor 37 according to report). As such according to our SPD, the site would be classed as a 'Type 3' site and we will require additional documentation as set out in the new SPD. In the absence of this documentation, we would recommend refusal of this application on air quality grounds unless suitable mitigation can be put in place to offset this expected increase in nitrogen dioxide emissions.

Following receipt of the above concerns, the applicant has been asked to provide comment, and further information has been submitted to the Council which is being considered. At this time, a refusal reason based on the above concern has been recommended at the end of this report. However, officers will update members at the meeting should this matter be resolved.

General amenity impacts on existing dwellings

The current residents of Ford are likely to suffer the most significant reduction in residential amenity. The proposed development of Area C surrounds these properties to the north, and the new dwellings would be accessed via Roman Road. Whilst the development of Area C is considered acceptable in principle by CP25, the quantum of development being currently proposed indicates that a number of the dwellings would be located in close proximity to existing dwellings in Ford. Given the elevated nature of part of the site, it is therefore likely that the open aspect and high level of privacy many of the residents currently enjoy over the airfield land would completely alter in character, to a more suburban appearance. However, as previously advised by officers, the detailed design of the scheme is not a matter for consideration at this stage. These are likely to be similarly affected during construction. Following construction and building out of the scheme, it is officer's opinion that the occupiers of existing dwellings to the north of Area A would suffer from increased road and traffic noise, together with a general impact on their aspect and outlook to the east, which at the current time is of a rural character, albeit somewhat affected by the busy A345 road. However, given that the principle of development on Area A is considered acceptable, and the detailed design of the scheme is not a matter for consideration at this stage. This was not raised as an issue by the appeal Inspector previously.

General Aircraft and public safety issues

Concern has been expressed by various third parties regard's the suitability of locating development within such close proximity to the operating airfield and airstrip. This issue was not previously a matter the Council raised at appeal, and the Inspector did not refer to it in her decision.

However, this proposal is somewhat unique in that it is the aerodrome operators themselves that are proposing the development adjacent to the operating airfield and airstrip. The applicant is suggesting repositioning the landing strip some 50-70 metres to the south east.

The Civil Aviation Authority (CAA) has not responded to the current application. However, as part of the previous application process, they simply indicated that the location of the development as shown on the submitted plans would be unlikely to affect aircraft safety. However, it reiterated that such safety matters should be discussed with the aerodrome, and that it is the aerodromes responsibility to ensure the safety of the airfield operations. Officers asked the CAA whether there were any minimum distances between the operating airfield and residential dwellings, but they simply reiterated that there were restrictions on heights of buildings, not distances between buildings.

Consequently, as the airfield operators are ultimately responsible for the safety of the airfield and the public, and whilst the various aircraft safety concerns are understandable, it is considered that it would be difficult to refuse the scheme subject of the application on the basis that the development was likely to harm aircraft safety, or hence, likely to harm the safety of the occupiers of any new development on the site.

Therefore, officers do not recommend that the scheme be objected to on an aircraft safety or a related public safety issue.

Construction Impacts

Notwithstanding the above, the submitted EIA covers the mitigation required to protect neighbouring amenity, and the conditions above will mitigate those impacts. However, it is likely that regardless of any mitigation, general construction works will be likely to lead to a reduction in local residential amenity whilst construction works are carried out, and this could be for a number of years. Consequently, given that the Inspector's previous appeal decision does not highlight any significant issues in relation to the impact of the previous development on the surrounding amenity, and given the comments of the Public Protection officer, a refusal on this point would be difficult to justify at appeal.

Contamination

A detailed contamination report has been submitted by the applicant. Regarding Contaminated land, the Public Protection officer has not objected. The Environment Agency has also raised no objection regarding contamination issues, subject to a suitable condition. Consequently, a refusal of the scheme based on this point would be difficult to justify. This would be in line with policy CP56 of the WCS, and NPPF guidance.

9.4 Highways impact issues

Previous application scheme and appeal

Previously, as part of the original application, the Council's Highways officer had indicated that whilst they had no issues with the highways related impacts of Areas A and B, they did object to the impacts of Area C. The previous officer report for application reference 15/04004/OUT stated that WC Highways objected to the previous Area C proposal.

Consequently, as a result of the above previous comments, officers previously recommended a refusal reason regarding highway safety and the lack of a S106 and thus the provision towards sustainable transport mitigation. The appeal was originally undertaken on this basis.

The Council previously considered that if they had been able to the previous scheme would have been refused due to the impact of Area C development on the narrow Ford Road, which has no footways, and limited bus services, and likely conflict between vehicular and pedestrian and other traffic.

However, as part of the subsequent appeal process, the Council's Highways officer and the applicant signed a **Statement of Common Ground and agreed planning conditions**, which resulted in the previously identified highway harm of the Area C appeal scheme being mitigated with planning conditions. Essentially, WC Highways withdrew its previous objection to the scheme, and so the reason for refusal above was overcome.

Current scheme

The current scheme proposes a number of enhancements to the highway system and connectivity around the site:

Area A

Area A has been reduced to 160 dwellings since the previous appeal. It will be primarily accessed via the Portway with a new priority T junction with ghost island right turn lane, and include the

following:

- Widening of the existing carriageway to provide 3m wide through lanes on Portway and a 3m wide ghost island right-turn lane;
- Site access road of 6m width, 3m wide shared footway / cycleway on both sides (transitioning to 2m wide footways within the site), with dropped kerbs / tactile paving to facilitate crossing movements of the junction bellmouth;
- 3m wide shared footway / cycleway along the site frontage with Portway

Furthermore, there would be a secondary emergency vehicular access from the Castle Gate Park access road through part of the existing boundary hedging along the eastern edge of the site.

Area B

Area B is split into two parts, and contains several hangar/industrial buildings and the Aviation building. It would have two vehicular access points. Firstly, via the existing access from the business park off the Portway to the western part of Area B, and the east, via the existing access from Old Sarum Park. An emergency access would be provided between Area B and C.

Area C

Area C has been adjusted for this current application with 155 dwellings, rather than the previous 160 dwellings shown as part of the appeal scheme. Otherwise, the two schemes in highways terms are similar, with a main vehicular access onto Ford Class C Roman Road to the south, via the construction of a new priority T junction located some 145 metres west of Merryfield Road.

The proposal also suggests works, as below:

- Extension / relocation of the 30mph speed limit to incorporate the site frontage and approach from the west (commencing at a point 90m west of the site access).
- Footway connecting the site and the junction with Merryfield Road. Within the site, this will be provided at width of 2m, set back behind the hedgerow (transitioning to a 3m wide shared footway /cycleway on the approach to its connection with the internal access road). To the east of the site, the footway reduces to 1.8m width (with 0.2m offset from the highway boundary), and
- Provision of new build-outs to the west of the access (priority westbound), between the access and Merryfield Road (priority eastbound), between Ashlands and The Steadings (priority eastbound), and between The Steadings and Green Lane (priority westbound).

Within the site and connecting Areas A,B , and C with the surrounding area to the north and south, and internal circular footway / cycle path within the site boundary providing a traffic free route for pedestrians and cyclists, including a link to the existing right of way (Green Lane) to the east of the airfield.

Concerns have been raised regards the highways impacts of the development by many third parties, particularly with regards the likely impact of the scheme on the narrow Ford (Roman Road) which serves Ford and the immediate area, which is of a pleasant rural character, but already used as an alternative route by local traffic between the A345 and the A30 London Road and A338, and is described by many third parties as a “rat run”.

As the previous appeal scheme, a detailed Transport Assessment has been submitted with the application, which concludes that:

- The site is accessible for non-car modes, with well-established links to existing facilities available via walking and cycling modes and public transport options available near the site;

- Safe and suitable access can be provided to / from the site for all users;

- The development has been designed with reference to national and local guidance; and
- The impact of the proposed development will not be 'severe', meeting the requirements of local policy and the NPPF. The application is accompanied by a TP that will promote the uptake of sustainable travel opportunities.

A travel plan has also been submitted, which aims to encourage a modal shift from cars to public transport and other sustainable travel options. Construction traffic would not exit onto Ford (Roman) Road, but go northwards to and from the Portway.

As stated, this application is in Outline form only. However, the only matter to be considered in detail for the proposed scheme are two access points into Area A & B, and the access to Area C, including some suggested works to the Roman Road.

WC Highways and the applicants have had ongoing exchanges, and the Highways officer has offered revised comments over the course of the application. Below are extracts from the highways officer's responses outlining the issues resolved and not resolved (extracts):

Construction Management - A separate construction access is now proposed from the Portway and this can be submitted as a standalone drawing and secured as an approved drawing to any permission. A construction management plan will also be required prior to commencement of any approval. The revised proposal has removed construction traffic from Ford Road which is beneficial and responds to the environmental weight restriction on this route.

It must be noted that with all construction traffic routing from Portway and with temporary routes to Part C of the development proposal that the LHA still has questions as to why Portway cannot serve the development whole with no requirement for access from Ford Road.

Bus Stops - Introducing high quality bus infrastructure including Real Time information as a hard measure will significantly aid modal shift measures that are sought via the Travel Plan. The applicant has assessed the existing stops and considers shelters and printed timetables to be acceptable. Overall, the submission has not responded constructively to the opportunity to encourage public transport use and has only sought to rely on what is already in this location. It must be noted that whilst the infrastructure is in place that the local travel

Car Ownership & Statistical data - There is always a risk associated with making use of statistical data, no matter how well related to a location as it opens up a broader range of issues in relation to a specific data set. In this case, significant attention has been paid to the concern of car reliance and high levels of car ownership in this location.

The submission has responded with further statistical derivatives that existing houses in Ford have higher numbers of bedrooms and as such more adults. Whilst the statement makes sense, a rebuttal analysis shows that in 2011 for 150 dwellings there were 352 adults aged 16-74. There were also very low levels of zero car ownership with less than 3% of households having no car compared to a national average of 22%. There were at least 297 cars associated with the 150 dwellings and 352 adults. Taking into account those that don't have a license the overall outcome is still 0.85 cars per adult. The national average is around 0.55 cars per adult against a London position of 0.3 cars per adult.

In that regard whilst some statistics in relation to house sizes have been made and no information is available on child numbers within the Ford area, the average household population correlates to the national average, but what is clear and has not been presented is a recognition that less than 97% of households having access to a car and car levels close to 1 per adult must be recognised as a geographical location heavily reliant on private car use to the detriment of a genuine choice of modes.

Travel Plan - has responded to LHA concerns that the Area C element of the development is too challenging to ensure modal shift targets can be met. However, this is somewhat contradictory in terms of comments relating to car ownership and trip rates, in other parts of the response materials. However, the Travel Plan has not recognised that if parts of the development proposal

cannot respond to modal shift targets that a higher expectation would fall on the remaining development.

Whilst there has been some commitment to hard initiatives including electric scooter infrastructure to support faster internal journeys the remaining elements place a heavily reliance on walking distances in excess of 2km and cycling in excess of 4km for rail services with an absence of high-quality connecting infrastructure.

Aside from the challenge of distance, which is noted that historically walking up to 2km has been considered acceptable, does not recognise that most trips on foot would be 2km each way and on routes of low quality. In the local setting, beyond leisure, there is little practicality in walking and cycling that could make the option as a genuine choice. It would be fairer to say that if a car was not available then walking or cycling may be an alternative but that the journey quality and experience would be lower than when using a private vehicle.

Area A & B

Whilst the Highways officer originally had some concerns regards Area A, a revised drawing for access to Part A relying on a single access point from Portway with an emergency access from the business park road has been provided. The access arrangement is considered to be acceptable and can be supported.

Impact of revised Area C development

As explained elsewhere in this report, Area C has been reduced to a maximum of 155 dwellings from the 160 dwellings previous proposed as part of the appeal. The access arrangements onto the Class C Roman Road through Ford remain as per the appeal scheme, as does the mitigation being offered.

The Council's Highways Officer has however objected to the impact of Area C (summary/extract):

“The Roman Road bears no hierarchal relationship to the A345 and the proposed development. The application does little to note the difference between the two access points and the routes to and from. The Portway has a greater level of utility with shared footway/cycleway, bus shelters and the opportunity to create a ghost-right hand turn lane with carriageway widths supporting the 40-mph speed limit with an access to roughly half of the residential development proposed.

The Roman Road which is currently a rural road with a derestricted speed limit, apparently will also offer an acceptable level of utility subject to an artificial traffic calming intervention with an intention to lower the speed limit in the vicinity of the proposed access point to 30mph.

When considering that both access points serve the same scale of development the disparity in terms of quality and modal choice when comparing the clear difference in infrastructure but that both are considered to be adequate and fit for purpose under the context of the NPPF and current design standards is questioned.

As has been previously noted, the Roman Road is not built to any standard, it is a road under public maintenance which has already been restricted in both speed and vehicle weight terms.

When comparing the proposals for the Portway access with the Roman Road access there is too great a disparity between the quality of offer from this proposal to the intended residents. The Portway access point is clearly significantly better and could serve the entire development and nothing has been presented as to why this could not be achieved.

In the absence of a structured reasoning and the clear disparity in quality of access that would be created, the access on the Roman Road cannot be supported.

In terms of the proposed speed limit change the newest published position on setting local speed limits is from March 2024. No speed limit change should be for less than 600m and creation of a new access, is not in itself sufficiently sound justification to revise a speed limit. If an access point

is not achievable within existing speed parameters, then changing the speed limit, to which there is no guarantee of achieving a behavioural change in speed should not be an automatic choice of mitigation.

In this application this is furthered by the proposed provision of the traffic calming which only identifies that the location is not naturally fit for the proposed change in speed limit.

The general position of the response is that access in this location was agreed during the previous application and was acceptable for 160 dwellings compared to the now proposed 155 dwellings. Whilst it states no changes in DMRB or Manual for Streets and it is accepted that response was provided before the latest edition of Setting Local Speed Limits the approach taken to reducing the speed limit on a C-class rural road with a predominantly local function for a length of only 300m is not considered appropriate. This is also in the context of artificially lowering the speed limit and implementing traffic calming simply to create an access point in a location that will otherwise retain all of its rural character with no observable elements of the development showing from the driver perspective, other than the access bellmouth.

The remaining concern about the proposed location of the access point is its position immediately opposite another private access which within the length of frontage available would appear to be avoidable and whilst unlikely, there would have to be a concern about crossing movements from access to access particularly on foot.”

Further to the above, the Highways officer then provided the following final position on the matter:

“Further to previous responses and further information submissions there has been no subsequent information to address highway authority concerns in relation to this application.

In a previous response it was stated that ‘It must be noted that with all construction traffic routing from Portway and with temporary routes to Part C of the development proposal that the LHA still has questions as to why Portway cannot serve the development whole with no requirement for access from Ford Road.’

From the position of the highway authority there has been no justification or understanding as to why the entirety of the development proposed could not be served solely from the Portway, which is the most appropriate local highway infrastructure in design and maintenance terms to facilitate a development and support a genuine choice of travel modes.

It is noted that there has been a reliance in submissions to this application to the change in position of the Highway Authority in relation to application 15/04004, through the application and subsequent appeal.

The highway authority objected to the prior application. It is also accepted that parties involved during a subsequent appeal agreed a revised position that did not object.

What is known is the appeal was dismissed and that a subsequent High Court challenge to the appeal dismissal failed. It has been a position of this applicant that the history of the site supports that highways matters have been resolved.

However, when considering the last and final legal position on highways matters the following statements stand and are considered of relevance, although as stated not necessarily in the [planning] balance.

The High Court Position stated that the position had been made on public benefits ‘(1) highway capacity, road safety and health’. The high court then followed ‘It is in my judgment plain that what the Inspector had concluded was that (cycleways and pathways apart, which were considered, and as benefits), additional claimed public benefits (1) and (2) were not material public benefits that could add weight in the balance. Indeed, there might (in line with the Council’s concerns) in fact be positive harms in these respects, but she did not need to go on to reach a conclusion on that’

On this point the reading by the highway authority is that highways matters outside the site and in line with Para 115 on highway safety and residual cumulative impacts remain without a conclusion.

Further following from the High Court makes this position clearer as follows:

'What the Claimant saw as additional public benefits in the areas of highway capacity, road safety, ecology and diversity, did not in the present case result in overall material public benefit in those areas, and there might even have been harm'

And

'In my judgment the Inspector's decision must be understood to be saying that, even if it might be the case that mitigation measures overcame harm, the measures did not go beyond that.'

By this reading it is clear that the best position that could be conveyed is that highways capacity, road safety and health may have been neutral but could also as likely been a harm. However, at no point were the highways accesses to the site considered to be public benefits.

The proposed development would result in a settlement adjacent scale of dwellings that would require access to 300 dwellings from the C287 Roman Road. The increase in and continuous damage to the highway, which has historically been recognised on both sides, cannot be reasonably supported by a S59 Agreement or a planning contribution as neither would mitigate in perpetuity a solution that could be considered acceptable by any competent highway authority.

There must be recognition of causing damage and deterioration to a sub-standard road and to prevent this the proposed scale of development would require entry by a road to the standard of a major access road.

There does not appear to be any reasonable mitigation strategy that would place further and unreasonable burden on the maintaining authority, should development come forward. Nor, is the primary means of access along the C287, for all traffic, including those who are at most risk of arm sufficiently laid out to support increases in movements.

*Based on the highway authority understanding of the other history, but taking this application on its own merits, with the information provided within this application **we recommend refusal on highways grounds.**"(officer emphasis)*

The WC Highways officer has suggested two reasons for refusal, which are repeated here as they further help explain the concerns of the officer:

1. The development location would result in significant increase in vehicular movements on a sub-standard rural road that provides no priority for walking and cycling in a location that is unsustainable in transport terms due to the high levels of car ownership and vehicle use associated with development in this area and would not make the best use of existing infrastructure through effective design, management and maintenance. The Roman Road (C.278 road) is unsuitable in design terms due to its substandard nature and would result in the route being unsuitable for all road users, particularly sustainable modes, and further increase the risk of harm and perception of safety to vulnerable road users. The increase in vehicle movements on a substandard vehicular route with no dedicated walking or cycling facilities will discourage uptake of sustainable modes in this location.

The proposal would therefore have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe, contrary to the aims of the NPPF paragraphs 115 & 116, and Wiltshire Core Strategy policies CP60, 61 and 62, and objectives SO3,06, 08, 09, 010, 012, 013, 014, 015, 017 & 018 of the Wiltshire Local Transport Plan.

2. The development does not adequately address the pattern of growth as it seeks to establish significant development via a sub-standard means of access that does not offer a genuine choice of travel mode for all users and fails to provide a high quality development that protects the amenity of existing residents due to:

- i. The C.287 Roman Road is derestricted and insufficiently wide to cater for two-way passing vehicles including buses without localised reductions in vehicle speeds and full use of available highway width at the expense of any other highways users;*
- ii. The C.287 Roman Road has no dedicated pedestrian facilities and is absent of street-lighting creating unreasonable levels of conflict for new development between user types and would not promote walking as priority mode of travel or create a suitable pattern of movement;*
- iii. The C.287 Roman Road has no dedicated cycling infrastructure and would create unreasonable levels of conflict for new development between user types and would not promote cycling as a priority mode of travel or create a suitable pattern of movement;*
- iv. The C.287 Roman Road is subject to an environmental weight restriction to minimise the impacts of vehicles exceeding 7.5T travelling through the village of Ford between the A345 and A338.*
- v. Failing to place significant new development in a location within suitable walking distance to a frequency of service of public transport that would offer a genuine choice of travel mode.*

The proposal would therefore have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe, contrary to the aims of the NPPF paragraphs 109 & Wiltshire Core Strategy policies CP25 in relation to the site.

The above is clearly a change of position in terms of the WC Highways team since the last appeal scheme. As the environs of the site have changed little since the appeal, and Area C is similar to the appeal scheme, both in terms of the quantum of development and its vehicular access arrangements, in order to refuse the current scheme, the Council need to highlight the factors that have changed since the appeal was determined.

Changed factors since the previous appeal decision

NPPF

The NPPF has been adjusted several times since the last appeal scheme was determined. The December 2023 update makes the position in relation to highways and transport as matters to be considered in the determination of planning applications. In terms of the NPPF there is a specific section relating to the 'Consideration of Development Proposals' that sits within chapter 9 'Promoting Sustainable Transport'. The revisions include emphasis on the use of local design codes prepared in line with the National Model Design Code as well as producing well-designed places.

Paragraph 109 of the NPPF 2023 that states: *"The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on location which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making"*

Paragraph 115 of the NPPF 2023 indicates 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"*

(Note: The NPPF does not define what "unacceptable" means in a highways context. However, the courts have held previously that this should not mean that anything other than a severe impact

on highway safety would be acceptable. (Mayowa-Emmanuel v Royal Borough of Greenwich)

National Design guidance

The National Design Guide was published in October 2019 and The National Design Code was published in July 2021. The following definitions relate to built form within the National Design Guide:

'Accessibility: The ability of people to move around an area and reach places and facilities, including older and disabled people, those with young children and those carrying luggage or shopping.

Compact form of development: Development that is planned with a relatively high residential density and an urban layout. Community facilities are closer to one another and their users, preserves more open landscape, and makes efficient use of land and resources.

Walkable: Local facilities are within walking distance, generally considered to be no more than a 10-minute walk (800m radius).

Destinations: Places or facilities that people want to visit. In a neighbourhood these may be transport hubs, open spaces, local services such as schools, shops, healthcare or community facilities.'

The Model Design Code further expanded on the 10 characteristics of good design which includes 'Movement - accessible and easy to move around.'

Setting Local Speed Limits – March 2024

This circular gives guidance to local authorities on how to set local speed limits on single and dual carriageways in urban and rural areas. It has also been designed to help explain why and how local speed limits are determined.

Active Travel England (ATE)

ATE were made a statutory consultee to all planning applications equal to or exceeding 150 housing units, 7,500 m² of floorspace or an area of 5 hectares on the 1 June 2023.

The purpose for the creation of this new statutory consultee '*to help planning authorities in their work to implement good active travel design – for example, by ensuring developments include walking, wheeling and cycling connectivity to schools and local amenities. This will help improve public health, save people money and reduce harmful emissions.*' has to be noted as a necessary step in supporting planning authorities but vicariously also supporting local highway authorities and local authorities as a whole. There is recognition that for the creation of ATE there would need to have been concern in relation to the overall national direction of walking, wheeling and cycling as a result of development.

Active Travel England has commented on the application, and states (extract):

"Before it is able to support this application, ATE requires confirmation as to the extent of the applicant's off-site contributions as previously set out. ATE would expect the LCWIP to inform such discussions in line with the requirements of the LHA. Therefore its position remains one of deferral until such time as this confirmation is provided. ATE would be happy to participate in any relevant discussions with the applicant and LHA around this.

Please note that, as set out below, contributions towards improvements in the surrounding area are considered to be of key importance and it is essential that a satisfactory solution is reached with the LHA. This would meet the requirements of government policy to ensure that future residents are offered a genuine choice of sustainable modes of travel to access surrounding amenities. It is considered that a proportionate level of contribution is required in order to make this development acceptable in planning terms. Given that this development is

likely to yield close to 750 new residents it is considered that the contributions are both necessary and directly related to the increased number of trips eg on infrastructure such as Green Lane. ATE is currently unaware of the precise level of contribution proposed and would welcome further clarification on the final agreed contributions. Should a satisfactory level of contributions not be agreed, ATE's final position is likely to be one of objection.

ATE would also note that the policy and guidance on active travel has evolved somewhat since the previous application was determined at appeal (for example, documents such as LTN 1/20, Gear Change and Inclusive Mobility must now be taken into account) and therefore it is appropriate to request such contributions.”

ATE have since confirmed that it maintains the above stance until the viability issues have been concluded, and various highway related contributions have been agreed with the applicant.

Local Transport Note 20 - Infrastructure Design

Notwithstanding the above, Local Transport Note 20 which was updated in 2020 and 2021, This document provides local authorities with direction on design standards for high quality cycling and walking infrastructure as part of a ‘*clear ambition to make cycling and walking the natural choices for short journeys or as part of a longer journey with supporting objectives to increase cycling and walking levels. This guidance supports the delivery of high-quality cycle infrastructure to deliver this ambition and objective; and reflects current good practice, standards and legal requirements*’

The document also encourages Council's to produce Local Cycling and Walking Infrastructure Plans.

Local Cycling and Walking Infrastructure Plan

The Council has a draft LCWIP (Local Cycling and Walking Infrastructure Plan) document for Salisbury, which is likely to be adopted before the end of 2024. This document provides the first iteration of the Salisbury Local Cycling and Walking Infrastructure Plan (LCWIP). A draft Framework Wiltshire LCWIP is published in conjunction with this plan and provides the wider strategic context. The Salisbury LCWIP refreshes and replaces the existing Salisbury Town Cycle Network and adds a long-term approach to improving the walking network in the city centre.

The key outputs of LCWIPs, as set out by the Department for Transport (DfT), are:

- a network plan for walking and cycling which identifies preferred routes and core zones for further development.
- a prioritised programme of infrastructure improvements for future investment.
- a report which sets out the underlying analysis carried out and provides a narrative which supports the identified improvements and network.

The Salisbury LCWIP covers the contiguous urban area around Salisbury, including:

- the city of Salisbury;
- the market town of Wilton;
- **the parishes of Laverstock and Ford**, Quidhampton, Netherhampton, and Britford;
- the Southampton Road area (part of Clarendon Park parish).

Laverstock and Ford Neighbourhood Plan

As explained elsewhere in this report (see main Policy section), the Laverstock and Ford Neighbourhood Plan (adopted 2022) also contains policies/aims which relate to the improvement of the road network around the application site. This document also cross refers to the more recent highways related policy guidance of LTN 20 and the Council's Draft LCWIP document. Policy 3B c) indicates that significant development should include a layout and infrastructure which would give residents easy, safe access to the local pedestrian/cycle networks

and to public transport, in order to help reduce vehicle usage.

Policy CP25

The policy CP 25 remains as it was at the time the previous scheme was considered. It has no direct position on transport mitigation. However, the requirements of the policy which overlay with the need for a responsible transport strategy are implicit in the following criteria:

‘iv. submission, agreement and implementation of a development masterplan, which delivers a high quality development that takes opportunities to enhance the historic environment and protects the amenity of existing residents’; and

‘vi. community benefit for the Old Sarum residents’

If the proposed scheme produces a car-reliant development and no particular sustainable highway improvements, the general environment and amenities of local residents will be likely to suffer, and hence criteria iv and vi will not be met in highway terms.

Transport policies

Other Local Planning policy in the Development Plan remains as it was at the time of consideration of the previous appeal scheme. However, this has always had an emphasis on the use and promotion of non-car travel. Policy CP57 of the WCS deals with the general impacts of a development, linking to CP61 of the WCS, which deals with the highway impacts of a proposal. Similarly, policies 62-66 also relate to the highway related impacts of the proposal.

Core Policy CP60 states: ‘The council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Core Policy 61 (Transport and New Development) of the WCS indicates that: *“New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives”*.

The Highways case for refusing the scheme on highway grounds

The Council’s Highways officer has sought to justify the change in consultee response from approval with conditions at appeal, to refusal, as follows (extract and summary):

“It has been clearly and definitively outlined that since 2019 there have been significant national changes in the expectation of planning to respond to sustainable transport, both in policy delivery and expectations relating to the quality of infrastructure. Broadly, all these changes align with the National Planning Policy Framework goal of achieving development by identifying land for homes that accords with Paragraph 74:

‘The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes’

When considering Policy 25 of the WCS and the lack of specific statements relating to highways and transport impact and sustainable transport there must be an expectation that any address to submissions for planning would fall under the national planning context, along with associated design standards at that time.

In that regard, it can be seen and accepted based purely on the difference in policy and standards through the period 2015 – 2024 that any application would receive responses appropriate to the context of the time.

both ATE and WCC act as statutory consultees on matters that overlap but with different responsibilities. ATE have a national delivery strategy, whilst WCC acting as a local highway authority will inherit the responsibility and burden of care for all public highways impacted by this development, along with community expectations for travel choice. Given that under the national context position both ATE and WCC have provided broadly similar concerns in relation to this application it is considered that the responses to date accurately reflect the NPPF.

To conclude this point, whilst the LHA position on a prior application is noted (the previous appeal), it no longer reflects current values and cannot be relied on. Nor has anything been provided within the submissions as to why that position would or does in fact remain relevant.

Considering the lack of WCS Core Policy 25 position on transport matters and noting that the policy as written appears to be worded more towards conservation, landscape and implementation of a S106 to place reasonable controls on the airfield the LHA can only advise as follows:

.....additional housing immediately adjacent to the existing settlement of Ford will result in housing that is wholly car reliant that no planning conditions or obligation mechanisms will be able to reasonably overcome. Any development in this location will be detrimental in not offering a genuine choice of transport modes under the construct of the NPPF and National Design code and will be car reliant.

The development in this location will result in housing that does not reflect 'Sustainable in Transport Terms' resulting in travel patterns that will not support 'Sustainable development'. Housing immediately adjacent to Ford will negatively impact on the overall sustainable in transport terms outcomes that the WCS and emerging Local Plan, regardless of the standard of outcome expected.

It is accepted that not all development can achieve no impact or better when seeking benefits for genuine choice of travel mode, walking, wheeling, cycling and access to facilities in a way that reduces private car use. In that regard this response seeks to demonstrate, as best as possible, how negative the weight of matters in relation to the National Planning Policy Framework to assist the Local Planning Authority come to a balanced decision given the policy context in the WCS for the Old Sarum site."

Regards the above, Local Planning Authorities need to be consistent in their decision making.

The applicant's agent has raised this issue, stating: "...consistency in decision making is well established in planning law, including being articulated in authorities including *North Wiltshire DC v Secretary of State for the Environment and Clover (1993) P&CR 137*, and *St Albans City & District Council v Secretary of State for Communities & Local Government [2015] EWHC 655 (Admin)*. This principle is not that like cases must be determined alike, but a decision-taker ought, when considering a materially similar proposal, to have regard to the principle of consistency, to have good reason if deciding to depart from the previous decision, and to give reasons for any such departure. As we have noted in a number of previous emails, the planning policy context of this site is largely the same as it was at the time of the 2019 appeal decision; and we have also noted the various statements to the High Court regarding what was agreed at that time. This includes statements regarding highways and other matters being resolved by proposed planning conditions.

As such, the importance of consistency in decision-making means that when there has been a previous decision to grant or refuse planning permission in respect of the same site that is capable of being a material consideration on a later application; and if the decision-maker is minded to depart from the previous decision it has to engage with the reasons for that decision and explain its departure from them.."

Regards the above, it can be seen from the above that National Planning Policy Framework has changed and adapted since the appeal decision in 2019, and since the Council's Highways officer adjusted his recommendation to approval with conditions in 2018. The Development Plan now contains the Laverstock and Ford Neighbourhood Plan, which also contains sustainability

policies, and other highways related legislation has, or is about to come into force, the focus of which and the direction of travel is now on encouraging sustainable and safe car free modes of travel and creating an environment where this can flourish, thus reducing car-bourne travel.

It is noted that policy CP25 remains the policy in force for this application site, which in principle allows some potential development of Area C, including housing, although no quantum of development is given. Whilst the draft Wiltshire Local Plan is proposing to delete this policy, it is the subject of objection, and the draft plan itself carries no weight at this stage of the Local Plan process.

It is also noted that the adopted Laverstock and Ford Neighbourhood Plan does not supercede or conflict with CP25, and does not itself preclude development within the area. However, Laverstock and Ford is designated as a “small village” by WCS policy CP2, where housing development is limited to small scale infill development. The Neighbourhood Plan contains Policy 5 (page 25) and two Community Actions (at pages 26 & 27), which seek to secure infrastructure improvements as part of development works, including to local highway networks, with the aims of increasing pedestrian and cyclist access and safety. The Parish Design Guide, which forms part of the Laverstock and Ford Neighbourhood Plan, suggests that no development should exceed 50 dwellings (page 5, section 6, subsection 6.6).

This current proposal is for approximately 155 dwellings, triple the limit suggested by the adopted Neighbourhood Plan Design guide. All of the Area C traffic would use the proposed vehicular access onto the Ford Road. The Highways officer has advised that the additional housing will result in housing that is likely to be largely car reliant, and that no planning conditions or obligation mechanisms will be able to reasonably overcome impact of that. It therefore appears that the previous appeal highways related conditions agreed between the parties at the appeal would not help mitigate the impacts of the development, and even if they were imposed, it appears from the comments of the highways officer that some of the mitigation proposed for Ford Road could not be successfully implemented in practice.

If suitable planning conditions cannot be imposed, and in the absence of a suitable S106 Agreement to secure other financial contributions towards infrastructure mitigation, it is considered that the proposed development will result in travel patterns that will not support ‘Sustainable development’, contrary to the aims of the NPPF, Wiltshire Core Strategy and the Laverstock and Ford Neighbourhood Plan (the Development Plan), and associated highways and sustainability guidance.

Members will note that at the Recommendation section of this report, a singular reason for refusal has been listed related to highways matters. It is considered that the second refusal reason suggested by the highways officer is essentially covered by the first reason for refusal, and is therefore superfluous in that regard.

Impact of the scheme on A36 road system

Notwithstanding the above matter, as part of the previous appeal scheme, Highways England (now National Highways) had requested that a large commuted sum be paid to undertake works to the Castle Roundabout in Salisbury. Due to the lack of a suitable S106 agreement at the time, the Council stated that it would have been minded to refuse the scheme on the secondary highways related grounds.

A S106 was subsequently provided by the applicant at the previous appeal which would have mitigated this issue. As the appeal was dismissed, that S106 did not take effect.

However, as part of this revised application, National Highways have not objected to the proposed application and have not requested the previous contribution/works to the Castle Roundabout. Following receipt of the above consultation response, the case officer sought clarification from National Highways on the issue of the previously request mitigation payment:

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“The TA does not identify a need for mitigation at A36 Castle Roundabout to accommodate development traffic, nor do the assessment findings rely on Travel Plan reductions to be

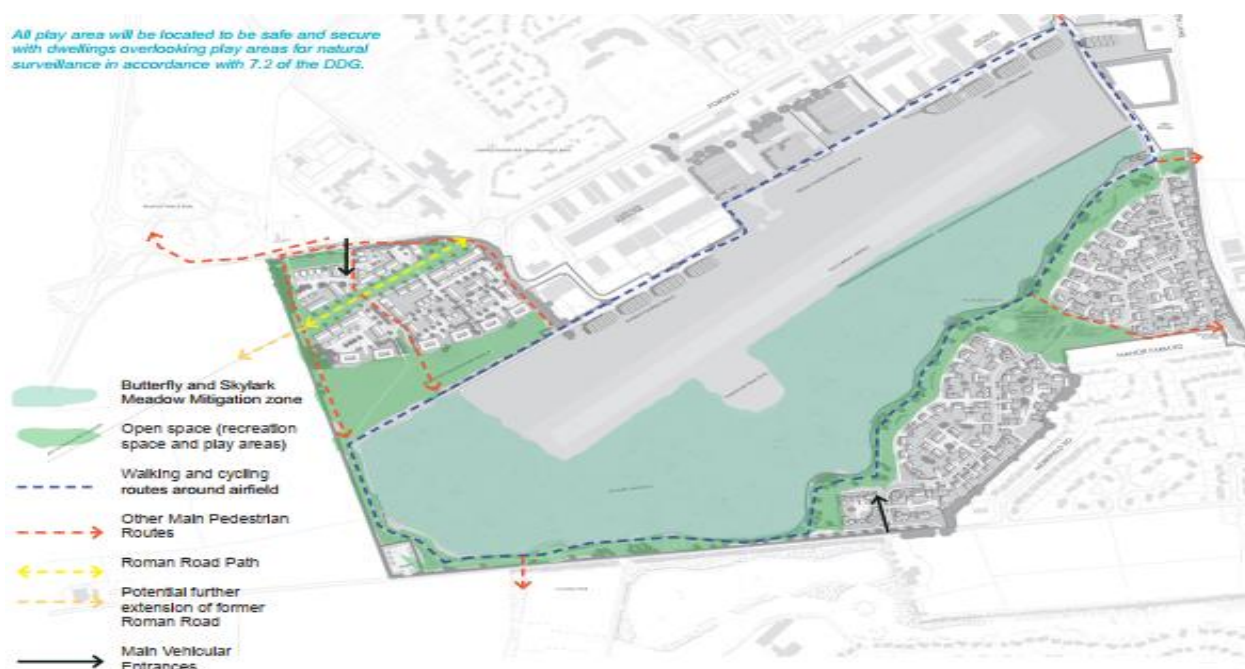
acceptable in respect of the SRN in terms of the NPPF. **The proposed improvements at Castle Roundabout to upgrade to MOVA control are already in the NH forward programme and being delivered and funded by NH. We are not therefore expecting contributions for this scheme.**

Rather we would expect that Wiltshire Council would want to seek contributions from the development that contribute to the delivery of the various other components of the STS eg Demand Management, Public Transport and Ped and Cycle improvements. The scale and type of contribution would be for Wiltshire Council to determine, whether that be through specific measures identified by the development (eg cycle improvements) or through travel plan measures (eg bus improvements). We understand that there are bus services and a Park & Ride within the corridor, but there may be opportunities to improve service frequency. Bus improvements elsewhere in the town could also benefit Castle roundabout. Smarter choices measures could also limit background traffic, at the same time as a development-specific Travel Plan seeks to reduce the need to travel by car. It is likely that Wiltshire Council will have specific measures that the development could contribute to – eg the STS refers to a programme of school, workplace and residential travel planning, the expansion of car clubs, improving cycle parking etc, all of which could have an indirect impact on the operation of the A36 and Castle roundabout.”

Consequently, in terms of the impact of the application on the wider trunk network, a refusal on highway impacts grounds would be difficult to justify.

9.5 Public Access, Open space, play areas, footpaths and cycleways linkages

The outline scheme suggests the provision of areas of public open space within Areas A & C, and also indicates that the areas of open land and landscaping between Area C and the airfield, along Roman Road, and the open and landscaped area adjacent the western boundary of the airfield leading up into Area A would also be utilised for more informal public open space, served via a footpath/cycle pathway. The new paths would enable access to and from the developed areas, onwards towards Old Sarum to the north, and southwards to the Country Park and the city to the south.



As part of the appeal scheme, the Inspector include the provision of these parts of the scheme as a “public benefit”, indicating that such features would “**encourage public access and enhance the experience of the flying field and an appreciation and access to heritage assets**” The provision of the open space and various linkages around the site are therefore similarly welcomed, as a public benefit of the scheme.

Such linkage is considered desirable, and is welcomed. It would also allow all residents to share the various facilities and services offered in the surrounding area, including the open space, schools, and any other community facilities which may develop over time. In particular, it would offer access to the planned community land and to the wider countryside via the footpath network. Such a link would in officers opinion, offer benefits to the future residents of the scheme, as well as to existing residents of the both the Old Sarum and Hampton Park residential areas. Whilst it is noted that a similar linkage already exists via Green Lane, linking Ford and Old Sarum residential areas with the edges of the city, this linkage is some distance to the south, and a northern linkage would allow easier access to the emerging Country Park facilities and the adjacent school.

However, such linkages may need to be secured via any S106 agreement, as public access may need to be secured in perpetuity, and they may need to be built out to adoptable standards, and this may be affected by the different legal ownerships of the application site. Previously, regards the appeal scheme, planning conditions and a legal agreement covered these points. A financial contribution has also been requested by the open space officer which will need to be secured via the S106.

At this point in time, not such agreement exists, and therefore the linkages and any benefits have not yet been secured. Consequently, at the present time, until such agreement is reached, the proposal would not secure such community gains, and thus, be contrary to the aims of CP25. Officers have therefore recommended a refusal reason on this basis.

The Council's open space officer has no objections to the suggested provisions of open space, which amounts to some 90,000 sqm.

However, such land is normally secured via a suitable S106 Agreement. As the Council no longer adopts areas of open space, such spaces would either need to be provided and maintained in perpetuity by the applicant, or by another body, usually the Parish Council.

9.6 Ecology and biodiversity

The NPPF indicates that planning decisions should contribute to and enhance the natural local environment, and provide net gains for biodiversity. Similarly, Core Policy 50 (Biodiversity and geodiversity) & 52 (Green Infrastructure) are relevant, with the former stating that (summary):

“Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale.... all development should seek opportunities to enhance biodiversity. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services..”

Policy 2 of the Laverstock and Ford Neighbourhood Plan relates to ecology and habitats matters, and an overall improvement of wildlife habitats.

The site is located within proximity of the River Avon SSSI. It also falls within the New Forest Mitigation Area. Hence the area is sensitive in terms of development which may affect the water systems and drainage.

Previous appeal scheme

As part of the previous appeal scheme, there remained some ecology related matters outstanding between the parties. Members considered that they would have refused the previous scheme on ecological grounds related to Green Lane and its associated bat corridor.

However, the above was resolved during the appeal of the previous appeal via planning conditions and a legal agreement.

Revised scheme

As members will be aware, planning policy in relation to ecology matters has become significantly more complex in the years since the previous appeal. The application site is now affected by the New Forest Mitigation Strategy, the nutrient neutrality issues, and has to deal with biodiversity matters.

The applicants have submitted an Environmental Statement (ES) which covers the likely impacts on the ecology and water systems, including how the scheme mitigates its impacts in terms of nutrient neutrality, and provides biodiversity net gain. On this last point, it should be noted that as the application was submitted before April 2024, it does not have to provide a 10 percent net gain in biodiversity, and simply has to prove a bio-diversity net gain. However, it is understood that the scheme would provide for a significant biodiversity net gain.

A large area in the centre of the airfield site would be given over to a skylark and butterfly mitigation meadow (see plan above in Open space section of report). The taking out of this land from agricultural use would also help nutrient mitigation. The scheme would also include a new water treatment plant in the south west corner of the site which would also help to produce a nutrient neutrality scheme.

There have been ongoing discussions with the Council's Ecologist and an exchange of additional and updated information. At the time of writing, some matters have been concluded and agreed. The Council's ecologist has only informally suggested that the scheme as a whole is acceptable, following the submission of recent amended details. A written response is awaited at this time.

As a result, subject to the Council's ecologist confirming that the scheme and adjusted information is now all acceptable, the proposal would accord with the aims of policies CP50 and 52 of the Wiltshire Core Strategy, and the biodiversity aims of the NPPF and NPPG.

9.7 Drainage and Flooding matters

The NPPF guidance is reflected on this matter is that development be directed to areas that have no flooding issues. Core Policy 67 of the Wiltshire Core Strategy relation to Flood Risk and indicates the same.

Some concerns have been expressed by third parties that the quantum of development overall being proposed by the developers, would have an adverse impact on the existing and proposed drainage infrastructure and also exacerbate flooding issues which have occurred in recent years to part of the Ford roadway and surrounding land.

The application is supported by a site specific Flood Risk Assessment. The sites planned for development are elevated and on sloping ground, and are in flood zone 1. There are no known surface or ground water issues related to the application sites. The Environment Agency has not raised any fundamental objections to the proposed scheme, subject to suitable conditions being imposed. Similarly, the Council's Drainage officer has raised no particular objections. As a result, whilst the local objections and concerns are noted, it would be difficult to refuse the scheme subject of the application on drainage and flooding grounds.

Consequently, provided suitable planning conditions are accepted by the applicant as part of the appeal process, there is no reason for refusal regards this issue.

9.8 Archaeology

The Council's Archaeologist has commented thus:

"This application follows an EIA Screening Opinion request in 2022 (PL/2022/08401) and a previous outline proposal in 2015 (15/04004/OUT). As I understand it, the current proposal is similar to these previous proposals, albeit providing for fewer dwellings. The Archaeology Service's previous advice therefore largely remains valid."

The Environmental Statement accompanying this application includes an 'Archaeological Statement' (EDP, dated July 2023), along with previous desk-based assessment, geophysical survey and evaluation reports undertaken in relation to previous iterations of this proposal. As the 'Archaeological Statement' notes, the areas of proposed development have been subject to a programme of archaeological evaluation so that the implications of the proposal on the buried archaeological heritage are understood. Wiltshire Council's Archaeology Service had previously agreed that the archaeological impacts of the 2015 scheme could be mitigated through an appropriate mitigation strategy secured by condition, and this is the case for the current proposal."

Consequently, provided suitable planning conditions are accepted by the applicant as part of the appeal process, there is no reason for refusal regards this issue.

9.9 S106, viability and planning conditions

CP25 specifically refers to the need for a legal agreement in relation to noise issues, and also outlines other enhancement and benefits. These are covered elsewhere in this report. However, as with any large development scheme, and in accordance with the NPPF and WCS policy CP3, the scheme would result in a number of impacts on surrounding infrastructure and services which would require mitigation to ensure that any development is sustainable. The Council's Planning Obligations DPD supports policy CP3.

Previous appeal scheme

Members previously considered that if they had been able to, they would have refused the previous application scheme on viability grounds and the lack of a legal agreement to secure various mitigation.

Subsequently, as part of the appeal scheme determination, the applicants submitted a legal agreement which covered the payment of some contributions, including:

- Public open space and play area provision, maintenance and management
- Provision of waste and recycling facilities
- Drainage Maintenance
- Footpaths, cycleways and picnic areas provision and maintenance and public access
- Travel Plan
- Aviation restrictions and monitoring of noise
- Discontinuance of Agriculture use

Some of the above were also covered by draft planning conditions at the appeal. The draft planning conditions were generally agreed at the appeal inquiry between the Council and the applicant. However, as the appeal was ultimately dismissed, it is unknown whether the Inspector fully agreed with those conditions or the submitted legal agreement. Monies can only be secured via a S106 legal agreement. When or not some of the non-financial mitigations listed above can or should be dealt with via conditions will be a matter for any subsequent appeal Inspector.

The following contributions have been raised by the various consultees as being required to mitigate the impacts of the development:

Highways improvements

If the scheme were to be deemed acceptable, the proposal would be required to mitigate its impacts on the surrounding area. The following has been suggested by the WC Highways officer:

Works derived from the emerging LCWIP

The Salisbury Draft LCWIP identifies works within the vicinity of the site as Green Lane shared walking and cycling path scheme including surface improvements to be made along the route, informal crossing improvements to be considered at Ford and extension of existing route on right of way.

The cost estimate within the LCWIP for these works is £500,000, which can be cost indexed from 2022 to any obligation. The cost of the works is identified as being developer funded and from the Active Travel Fund. In March 2024 the ATF commitment to Wiltshire stands at a combined total of £1,078,000. The available monies from the ATF towards the Green Lane proposals is still being established. Initial design plans of these works are available and can be used to secure the details for the agreement. The plans relate to the length of Green Lane from the Ford Crossroads to Pearce Way.

It is also considered that additional works to resurface the bridleway section of Green Lane are required to provide wider community benefits and consistency in terms of quality of walking surface on Green Lane from Portway to Pearce Way. The length requiring resurfacing is roughly 800m in length and it is considered that these works would be in the region of £420,000.

*Consequently, until such time that the Active Travel Funding allocation to projects is confirmed it is considered that the mitigations to the local area will **total £920,000 to improve local walking and cycling routes.***

*Additionally Bus Real Time information upgrades - **£45,000.***

Thus, a contribution total of £965,000 towards highways mitigation

However, there is no completed S106 at the moment, so such provision has yet to be secured.

Affordable housing provision

The Council's Affordable Housing officer has advised that the scheme would need to comply with Council housing policy of 40 percent affordable housing provision, as outlined by CP43. The applicant had originally expressed a preference to house military veterans on the site as part of any affordable housing provision.

However, at this time, the applicants have indicated that due to viability issues, the scheme is unable to provide any affordable housing whatsoever. This is obviously contrary to the Council's Core Policy 43 and the Council's Housing officer has indicated that until any viability matters are resolved which indicate otherwise, she would object to the application on grounds of non-compliance with CP43.

However, viability discussions remain ongoing between the Council and the applicant, and officers are therefore unable to advise whether the scheme as proposed could support or provide any affordable housing. Furthermore, no formal S106 agreement securing any affordable housing has been provided by the applicant.

Consequently, at the current time, the proposal remains contrary to the aims and objectives of WCS policy CP43 and CP3.

Education provision

The Council's Education officer has previously indicated that financial contributions are only required towards early years educational facilities **£683,358** to mitigate the impact of the children living in the new housing. It is suggested that the schools on the Old Sarum/Longhedge sites may benefit from some of the monies collected. This would need to be secured via S106 Agreement.

However, at this time, as matters are ongoing, there is no S106. Consequently, at the current time, the proposal remains contrary to the aims and objectives of policy CP3. A S106 payment is required and justified in this instance as any such payment is required to mitigate the specific impacts of the scheme in the immediate area around the site. It is neither sustainable development nor acceptable if the costs of the provision of education facilities for the children living on this development had to be picked up by the local taxpayer.

Open Space and other facilities

As stated elsewhere in this report, a substantial area of open space is being proposed, which includes play areas, informal seating/picnic areas, footpaths and cycleways, together with interpretation boards. The Council's open space officer has indicated that a financial contribution of **£142,317** is required towards the provision of **a Full Size 3G Artificial Turf Pitch within/to serve the Southern Wiltshire Community Area and/or sports, pitch or ancillary provision within the vicinity of the land**. The need for this is justified in the Council's draft Wiltshire Play Area Strategy.

Saved Policy R2 of the WCS also deals with the provision of suitable open space and play areas to serve a development. However, the above sum would need to be secured via a S106, including the future maintenance of such areas, and public access. Consequently, at the current time, without a suitable S106, officers are recommending that this form part of any reasons for refusal.

Waste and Recycling

The Council's waste and recycling officer has advised that a financial contribution is required in line with policy WCS6 of the WC Waste and Recycling Core Strategy to provide suitable recycling bins for the dwellings. The contribution being requested is **£31, 815**.

Public Art

In accordance with saved policy D8, policy CP3 and policy CP57 of the WCS, the scheme should provide funding for public art projects. Hence, this provision would be secured via a S106 Agreement. Public art projects are normally costed at approximately £300 per dwelling and £3 per/sq m of non-residential/commercial land. The need for this contribution is justified also by the Council's recently adopted Public Art guidance SPD. The contribution required would be **£121,215**.

Noise mitigation/monitoring

As covered in the noise/amenity section of this report, the Council's Public Protection officer has suggested a planning condition related to securing of **£5000 annual monitoring fee** towards the cost resources required for reviewing the technical reports required if planning permission were granted. This accords with the requirements of policy CP25, and other policies such as CP3, CP57.

New Forest mitigation

Under the revised New Forest mitigation strategy, each new dwelling within the mitigation zone, is required to pay a contribution of £600 per dwelling. Regards this scheme, at the time of writing, only 10 of the proposed dwellings are within the defined zone, and hence a contribution of **£6000** is currently required.

9.10 Viability issues

Central Government planning policies allow the viability of a scheme to be taken into account. Generally, the guidance indicates that Local Authorities should seek only appropriate financial contributions and other S106 provisions, and should be flexible in terms of which such provisions are requested of a developer.

The applicants have therefore submitted a viability assessment, which indicates that the scheme would not be viable enough to provide any affordable housing. An independent viability adviser has been appointed to assess the proposals, and ongoing discussions between the parties have occurred over several months. At the current time, no agreement has been reached between the parties, and thus officers are unable to confirm whether the scheme would be viable enough to provide any, some, or all of the provisions outlined above. However, the latest iteration of the independent **viability assessment of the applicant's case summarises that the scheme may be viable enough to provide S106 and other policy contributions (including highways**

works) of £3,364,715

The applicant will need to provide the following as part of its proposed scheme should it be approved, subject to the viability assessment conclusions. The S106 requirements listed above would be in addition to the matters below, which the applicant needs to deliver as part of the scheme:

Aircraft Noise and restrictions on flying - Controls on the number of aircraft and times of flying, and restriction on helicopter flying (as listed in the Noise section of this report)

Heritage - Applicant to deliver heritage enhancements in accordance with the Conservation Management Plan including refurbishment of the Applicant's Listed WW1 Hangar - Works to hangar estimated by the applicant as being £3,000,000.

Summary

Consequently, at this stage, until such time as the viability issues are resolved, officers must consider the scheme to be viable, and on that basis, it is necessary to provide the required infrastructure to service the development. Thus, on this basis, as it stands at present, the scheme would be contrary to the aims of policy CP3 and the NPPF, regards the provision of suitable supporting infrastructure and mitigation.

9.11 Community and Public Benefits

Notwithstanding the above mitigation via S106, policy CP25 highlights that any scheme should provide community benefits. Policy CP49 covers the provision and enhancement of community facilities. The application essentially outlines the benefits of the scheme as follows:

- Recreational walking and cycling routes around the airfield linking the new Country Park, Old Sarum village centre and new facilities created as part of this Proposal
- Restoration of the alignment of the Roman Road;
- Refurbishment of WW1 Hangar;
- Design to improve the relationship of the heritage buildings to the flying field;
- Creation of a flying hub;
- New restaurant;
- Fast food café;
- Seminar and training rooms
- Museum Wall
- Parachute centre
- Control tower
- Private aircraft hangars
- Improved public access to the flying field and the rest of the conservation area through the formalising of visitor facilities and car parking and the creation of linked footpaths with specific viewing points to show the relationship between the grass flying field and the listed WWI hangers.

At paragraph 50 of her decision onwards to para 60, the previous Appeal Inspector listed the public benefits of the scheme as below.

- Securing the restoration of the listed hangar 3
- The removal of unsympathetic more recent buildings and structures
- Improvements to the flying field including the re-orientation of the grass runway
- Extension and improvement of the existing flying hub
- Provision of landscaped and amenity areas
- Control over flying movements
- Re-establishing the line of the Roman Road and interpretation materials

10. Overall Conclusions and balancing exercise

Heritage Balance

Officers agree with the previous appeal Inspector that the identified public benefits of the scheme as above, cumulatively, do present considerable weight to be added to the heritage balance set out in the NPPF, along with the presumption that preservation is desirable.

However, whilst the reduction in the area of Area A is acknowledged and welcomed, Area A remains of a significant scale and massing. Whilst some adjustments and additional illustrative material have been undertaken and been provided with respect of Area B and C, the proposals for these areas remain largely as previously presented at the previous appeal. Officers therefore consider that the Inspector's judgement at her paragraph 62 of the appeal decision remains valid, in that the resultant erosion of the open character and appearance of the Airfield Conservation Area and the setting of the Old Sarum Scheduled Ancient Monument, the listed hangars, and other associated buildings, whilst contributing "less than substantial harm" would not preserve the setting of the listed buildings or the Scheduled Monument, and would not preserve or enhance the character or appearance of the Airfield Conservation Area. This would still result in a significant amount of harm to heritage assets. In line with the previous Inspector, considerable importance and great weight should be given to this identified heritage harm.

Conclusions and Planning balance

Policy CP25 of the Wiltshire Core Strategy relates directly to the airfield, and in principle permits development of the identified parcels of land, but only if any scheme addresses the various criteria outlined in the policy. However, as the policies of the Plan must not be read in isolation, any scheme should also be tested against other policies in the Core Strategy; the statutory duties imposed by the government, and national planning guidance.

The issue relating to noise from aircraft is no longer subject to an objection from the public protection officer, subject to a number of detailed conditions being imposed on any consent which limit flying activities and operations. This also addresses criteria iii) of CP25, one of the main criteria of the policy, and is given **significant weight, albeit tempered by the fact that a legal agreement is not yet available to secure the required yearly monitoring mitigation.**

The provision of public open space, pathways and cycleways is also welcomed. The open space provision is a policy requirement, and thus is of **limited weight**. However, the provision of linkages through the site would benefit future occupiers of the site as well as local residents to the south and north of the site. However, as Green Lane public right of way is already available for use, these new linkages are attributed **modest weight**, particularly as they would be over private land, and public access in perpetuity would need to be secured via a legal agreement.

The enhancement of the existing dilapidated hangar, and hence the overall heritage asset, is welcomed in principle. The previous appeal Inspector attributed "considerable weight" to its early refurbishment. However, following a collapse of parts of the hangar in January 2024, the rebuilding and repair is given **modest weight**, as it would simply return the building to a state it was previously in a few years ago, and would be likely to result in a modern facsimile of the original hangar and its features.

The provision of housing would ordinarily carry **significant weight**. However, at the current time, the Council can demonstrate a housing land supply above that specified in current NPPF 2023. Notwithstanding, policy CP25 is not a housing allocation policy, and thus any additional housing on the site is not required to meet the Council's land supply requirements. Given that the viability matter is not yet completed at the time of writing, it is not yet clear whether the scheme can provide any affordable housing provision on site in line with national or local planning policy CP43. Thus, in this case, the provision of housing is given **only modest weight in favour of the proposal**, and indeed, the lack of any affordable housing provision in such a large housing scheme would **weigh against** this proposal.

Airfield related development would be located in Area B directly to the south east of the existing airfield buildings and adjacent commercial industrial units. In principle, the provision and enhancement of existing airfield facilities and operations is welcomed, particular where this would also enhance the overall visitor experience and provide public related community facilities, as well as enhanced employment opportunities. In principle, the provision of such facilities align with the aims of CP25. Such benefits could therefore be given **significant weight**. However, the hangars and aviation development proposed in Area B is considered to be excessive in its scale compared to the requirements of the airfield, and are deemed to cause less than substantial harm to the heritage asset. Thus, the weight ascribed to these provisions would be **limited**, as significant weight needs to be given to the harm to the heritage asset. Notwithstanding, whilst the provision of community facilities is welcomed, it would be difficult to ensure that facilities and public access would be maintained in perpetuity rather than the facilities being used for private benefit (as a private club/facility etc). The operation and future retention of the features in perpetuity, including the future operation of the airfield, is also not possible through the planning system, as that will as ever be up to the individuals running the operation.

Similarly, at the time of writing, the remain outstanding matters and concerns regarding the likely impacts of the firing range use on some of the proposed dwellings in Area C terms of noise disturbance. There is also an outstanding issue in relation to air quality mitigation. **Significant weight** is attributable to these potential harms.

Furthermore, the impacts of the proposed housing on the adjacent highway system remain subject of a significant objection from the Council's Highways officer on highway safety grounds. This harm is of **significant weight**.

Notwithstanding the above, at the time of writing, there is also an outstanding issue related to the viability of the scheme and its ability to mitigate the impacts of the scheme, as required by normal planning policy. The subsequent harm which may result from the lack of mitigation, in particular in terms of various mitigation outlined in the S106 section of this report, is considered to **significantly weight** against this proposal.

Furthermore, whilst it appears that the current application scheme may provide some community/public benefits as outlined in the report above, and these are given cumulatively considerable weight, as the previous Inspector indicated at paragraph 65 of her decision, the delivery of those benefits cannot come at any cost.

As a consequence, based on current submissions, the current scheme would not achieve some of the aims of policy CP25 of the Wiltshire Core Strategy, and, given that the viability process is not yet complete and there is no S106 in place to secure some mitigation, the proposal would also fail to comply with the requirements of CP3 in terms of providing the required mitigation and infrastructure including public art, CP43 in terms of the lack of provision of affordable housing, CP57 in terms of the provision of a high quality design, CP58 in terms of the protection and enhancement of the historic assets, and CP61, in terms of the protection of the highway system. The proposal is therefore also contrary to the guidance given in the NPPF & NPPG regards good design, protection of amenity, infrastructure provision and protection, and the protection of heritage assets.

Therefore, as expressed by the Inspector at paragraph 68 & 69 of her decision, there remains identified conflict with the Development Plan as a whole, resulting in consequential harm to which substantial weight should be attributed. The conflict with the NPPF also weighs significantly against the proposal. The heritage harm, together with conflict with the Development Plan remain as the previous Inspector stated, "sufficiently weighty" to clearly outweigh the benefits of the proposal, and the presumption in favour of sustainable development is not engaged. The scheme is therefore recommended for refusal.

RECOMMENDATION: REFUSE for the following reasons:

1. The development location would result in significant increase in vehicular movements on a sub-standard rural road that provides no priority for walking and cycling in a location that is unsustainable in transport terms due to the high levels of car ownership and vehicle use

associated with development in this area, and would not make the best use of existing infrastructure through effective design, management and maintenance. The Roman Road (C.278 road) is unsuitable in design terms due to its substandard nature and would result in the route being unsuitable for all road users, particularly sustainable modes, and further increase the risk of harm and perception of safety to vulnerable road users. The increase in vehicle movements on a substandard vehicular route with no dedicated walking or cycling facilities will discourage uptake of sustainable modes in this location.

The proposal would therefore have an unacceptable impact on highway safety, and the residual cumulative impacts on the road network would be severe, contrary to the aims of the NPPF paragraphs 109, 115 & 116, the general amenity improvement aims of CP25 at criteria (iv) and (vi), and Wiltshire Core Strategy policies CP60, 61 and 62, and objectives SO3, 06, 08, 09, 010, 012, 013, 014, 015, 017 & 018 of the Wiltshire Local Transport Plan, and the Wiltshire Highways Asset Management Policy and strategy in relation to the site

2. The proposal is located within close proximity to and within the setting of the Old Sarum Scheduled Ancient Monument and its surrounding Conservation Area, and is located within the Conservation Area encompassing the Old Sarum Airfield, which itself contains several listed buildings. The site currently has an open character. The proposal is in outline form, with only access being a detailed matter, and the number of dwellings being approximately 315.

Policy CP25 does not specify the number of dwellings or quantum of development. The development in all three areas would be of a significant height and scale, and the Council remain to be convinced that the number of hangar buildings, the uses, and their overall design, proposed for Area B would enhance the operation of the airfield. The development would visually amalgamate as seen from the Old Sarum monument, and from south of the site. The green buffer along the airstrip between Areas B & C would be visually diminished. Thus, the open character of the site would be significantly reduced and eroded.

Consequently, it is considered that the scheme as proposed, which stems from the applicants submitted Master Plan and Conservation Management Plan, would have a significant visual impact, and be likely to cause less than substantial harm, to the character and setting of the surrounding heritage assets, including the historic landscape of Conservation Area surrounding the Old Sarum Monument, and the airfield Conservation Area itself, which is not outweighed by significant public benefits. The proposal would therefore be contrary to the aims of policy CP25 and CP58 of the Wiltshire Core Strategy, the Laverstock and Ford Neighbourhood Plan and associated Design Guide, and the guidance given in the NPPF, and sections 66 and 72 of Town and Country Planning (Listed Building and Conservation Areas) Act 1990.

3. The application scheme suggests the provision of a large area of public open space, including pathways and cycleways, and interpretation information. Whilst these public benefits are welcomed in principle, at the current time, the viability assessment of the application has not yet been concluded. Thus, it is currently unclear what mitigation, and via what mechanism (ie a legal agreement) this mitigation and public benefit is able to be secured, in respect of the on-site provision of affordable housing, or towards mitigating the off-site impacts of the development in terms of educational provision, provision for public art, highway improvements and waste and recycling facilities, and other mitigation.

Consequently, and in the absence of a suitable legal agreement to secure such mitigation, it is considered that the scheme would not be able to provide required mitigation or offer significant public benefits, and would not be sustainable development, contrary to the aims of policy 6 of the Wiltshire Waste Core Strategy, policies CP3, CP25, CP43, CP57, and CP61- 64 of the Wiltshire Core Strategy, including saved policy D8 and R2, and the guidance given in the NPPF regarding planning obligations and the provision of sustainable development which mitigates its impacts.

4. Proposed Area C is located close to an active public firing range. There is currently conflicting information related to the intensity of use and operation of that firing range from the applicant and a third party. In the absence of further clarifying information from the applicant, it is considered that the proposal would be likely to result in noise impacts on some of the planned Area C dwellings to

the south. On this basis, the proposal would be contrary to the aims of policy CP57 of the Wiltshire Core Strategy, and amenity and noise guidance in the NPPG.

5.The application is for a development of 315 dwellings in an area which has the potential to increase traffic within the Salisbury London Road Air Quality Management Area (AQMA). The air quality report confirms significant increases in nitrogen dioxide at the Salisbury London Road AQMA. According to the Council's draft Air Quality Management SPD, the site would be classed as a 'Type 3' site and therefore additional documentation is required from the applicant. In the absence of such additional evidence, the Council must conclude that the scheme would have an unacceptable impact on air quality, contrary to the aims of policy CP55 of the Wiltshire Core Strategy, and related guidance in the NPPF and NPPG.



Appeal Decision

Inquiry commenced on 9 October 2018

Accompanied Site visit made on 14 February 2019

by Frances Mahoney DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/Y3940/W/17/3190561

Old Sarum Airfield, Lancaster Road, Old Sarum, Salisbury, Wiltshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Old Sarum Airfield Limited (Mr Grenville Hodge) against Wiltshire Council.
 - The application Ref 15/04004/OUT, is dated 17 April 2015.
 - The development proposed is demolition, modification and renovation of existing buildings, structures and site development. Provision of approximately 18.6ha of residential land accommodating approximately 462 residential dwellings. Provision for a mixture of employment, commercial/leisure, office use (Class B1) and aviation uses on 3.51ha of land at Area B, including a flying hub comprising new control tower, heritage centre, visitor centre, café/restaurant, parachute centre, aviation archives and aircraft hangars. Provision of associated access, including the construction of new points of vehicular access to the surrounding highways network, car parking and connections to the surrounding footpath and cycle networks, green infrastructure provision, including open space, play space, recreational footpaths and landscape enhancement areas; the provision of above and below ground utilities, including a sustainable urban drainage system. Associated vegetation removal, ground modification and engineering works.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Applications for costs

2. At the Inquiry applications for costs were made by the Council against the Appellant and by the Appellant against the Council. These applications will be the subject of separate Decisions.

Preliminary matters

3. The Inquiry sat from the 9-12 October, 16-18 October 2018 and 13-14 February 2019 with an initial site visit on the 10 October 2018 and an accompanied site visit on 14 February 2019.
4. In this outline proposal all matters are reserved for future consideration save that of access. The description of development set out above differs from that on the planning application form, in the main, with respect to a reduction in the number of dwellings proposed. This change was undertaken during the period

that the Council were considering the proposal and was an agreed change between the parties. I am satisfied that the amended description of development better reflects the scheme of development now proposed which is essentially a reduction in the number of residential units and the introduction of office space within Area B (commercial/aviation uses). All the main parties, along with those who addressed the Inquiry were aware of the alternative plans and made comment in the context of them where appropriate. As such I am satisfied that there has been no prejudice to any interested party in the change in the description of development and the introduction of the illustrative plans of the hangars in Area B¹. Therefore, my consideration of the proposal is based on the description reflected in the bullet points above.

5. I am also conscious that other than the location plan and site access plans², all other plans are purely for illustrative purposes only. However, I have considered them on the basis of a promoted design approach and whilst they may not be determinative, they have informed my reasoning³.

Background

6. The appeal site is essentially the land which makes up Old Sarum Airfield which dates from the First World War (WWI) and still includes technical buildings and three listed hangars which have a functional relationship to the grass airstrip⁴. Historic England's publication Historic Military Aviation Sites Conservation Guidance⁵ identifies 'Key' sites in England of pre-1945 military aviation sites. Old Sarum is identified as one of the best-preserved flying fields of the WWI period with one of the most complete suites of technical and hangar buildings of the period. Although no longer in military use, continuous flying activity has been maintained since 1917 from the grass airstrip. Old Sarum is now operated as a commercial/civilian airfield, including leisure and training flights.
7. The Airfield was designated a Conservation Area in 2007. It includes three former WWI aircraft hangars with internal Belfast roof trusses, listed as being Grade II*. In addition, further listed (Grade II) buildings, including the TA headquarters and workshops, add to the suite of support structures.
8. The open space of the airstrip and its environs are generally defined but the associated historic buildings have been subsumed into a more modern industrial estate accessed from the Portway made up of large late 20th century industrial sheds.
9. The Airfield currently has an unrestricted level of intensity of flying activity. Over time there have been issues relating to aircraft noise in the vicinity, including over Salisbury itself⁶. The Wiltshire Core Strategy (CS) Core Policy 25 is titled Old Sarum Airfield and has essentially sprung from a desire to seek some control⁷ and strike an appropriate balance between the flying activity and the amenity of Salisbury's residents, in the context of the facility being highly

¹ Inquiry Doc 36.

² CDs 18, 19 & 20.

³ I have noted that the appellant company has suggested the broad perimeters of the illustrative material could be secured through the use of conditions.

⁴ Part of the proposal is to re-align the grass airstrip. The current line of the runway is unlikely to be the original alignment having been re-aligned over the years.

⁵ CD 65 – Council CDs – Page 30.

⁶ CS para 5.134.

⁷ Without preventing flying altogether.

valued locally for the historical and recreational opportunities it provides, including maintaining flying from the airstrip.

10. CS Core Policy 25 seeks to deliver a number of outcomes to secure sympathetic new development on the airfield perimeter. The number, type and mix of development is not specified in the policy. The inclusion of residential development is specifically mentioned within the accompanying text to the policy which indicates that sympathetic new development on the Airfield perimeter, including high quality residential use will be allowed, but only where it can be fully demonstrated that it will deliver the outcomes identified in CS Core Policy 25. The three areas for development are identified on an accompanying plan to CS Core Policy 25⁸. The policy does not set out the specificity of development mix and numbers of homes. This is a matter which should be design led taking into account all the factors set out in policy as well as other material considerations.
11. This is a policy which essentially has been in the Development Plan since 2012⁹. To my mind the delivery of the specified outcomes of this Development Plan policy lies at the heart of this case and I will return to CS Core Policy 25 later in this decision.
12. The proposed development would be divided into three areas around the perimeter of the Airfield. Area A on the north-west of the airstrip is proposed to accommodate 302 dwellings with main access from the Portway. Area B, would be located to the south-east of the existing listed hangars and other commercial buildings, including proposed hangar/office buildings along with a new control tower, café/restaurant, heritage, visitors and parachute centres, aviation archives and aircraft hangars. Area C is on the far southern periphery of the Airfield adjoining the village of Ford, where the residual 160 homes are proposed taking access from Ford Road. In general, the three proposed areas of development follow those indicated on the accompanying plan to CS Core Policy 25¹⁰.
13. Within my reasoning whilst I shall consider the three areas separately, I shall make it clear where cumulative impacts prevail.

Agreed housing matters¹¹

14. It was agreed between the parties that the Council could demonstrate a 5.12 years supply of housing land¹². This was for the purposes of the Inquiry. That said, the appellant company did not accept the Council's methodology of calculation and consider the actual supply to be significantly below that promoted by the Council. As already identified the appeal site, whilst not a strategic allocation, has been identified as being capable of accommodating high quality residential use¹³. This is to address matters which go beyond the achieving and maintenance of a five year housing land supply. Any dwellings built on the appeal site would certainly contribute to boosting the supply of homes supporting the Government's objective in this regard¹⁴. It is reasonable

⁸ It is essentially the same plan included in the South Wiltshire Core Strategy (SWCS) Policy 9.

⁹ SWCS adopted 7 February 2012 – Policy 9.

¹⁰ Figure 5.16.

¹¹ Inquiry Doc 20.

¹² Inquiry Doc 20.

¹³ Subject to the policy requirements of CS Core Policy 25 along with the aims of the Development Plan as a whole.

¹⁴ National Planning Policy Framework (the Framework) Para 59.

to consider the proposal in that context, but in the policy circumstances of the appeal site and the agreed position of the parties on housing land supply. I see no reason to depart from that settled point.

Consideration of the historic environment

15. Notwithstanding the criteria set out in CS Core Policy 25 and taking into account the primacy of the development plan¹⁵, I am conscious that as already indicated, there are a number of heritage assets to be considered in terms of impacts of the appeal proposal¹⁶. As decision-maker I must consider this appeal in light of the statutory duties placed upon me in Section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
16. Paragraph 184 of the Framework sets out that heritage assets are irreplaceable resources to be conserved in a manner appropriate to their significance.
17. Paragraph 193 of the Framework also requires that great weight should be given to the conservation of assets, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. I shall proceed with the consideration of this proposal with these matters at the forefront of my reasoning and weighing of the decision.
18. Further, based on all I have heard, seen and read I consider the overriding main issue which I shall address up front in this decision to be whether the proposed development would preserve or enhance the character or appearance of Old Sarum Airfield Conservation Area, the Stratford sub Castle Conservation Area, and whether it would preserve the setting and architectural and historic interest of the listed buildings on the Airfield, and in particular the hangars in terms of significance of the buildings and the Airfield as a whole, along with the impact on the Old Sarum Scheduled Ancient Monument (SAM).
19. The dominant designated heritage asset in the landscape has to be Old Sarum, SAM, set within the Stratford sub Castle Conservation Area which, whilst not adjoining the Airfield Conservation Area is closely physically associated with it being only a field's width apart with a skirting roadway.
20. The SAM has its origins back into the Iron Age period. It is a large multivallate hillfort with discernible earthworks, including ramparts and ditches. It has been fortified over the Roman, Norman and Saxon periods. Within its defensive circuit is the remains of a royal motte and bailey castle, a medieval town, and an ecclesiastical precinct within which lie the cathedral and bishop's palace. The remains of the castle and cathedral are listed Grade I. It is

¹⁵ The duty in section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the development plan. As an essential component of the 'plan-led' system, it is also reiterated in the Framework paragraph 2 which is of course a material consideration to which substantial weight should be attached.

¹⁶ Designated heritage assets - Old Sarum Schedule Ancient Monument (SAM), Stratford sub Castle Conservation Area, Old Sarum Conservation Area, Listed hangars and associated support buildings - non-designated heritage assets - Portway and Ford Road and other non-listed Airfield buildings.

prominently positioned on the northern edge of modern Salisbury overlooking the River Avon. Its significance is firmly based on the synergy of its physical presence within the landscape being a dramatic steep-sided chalk spur which facilitates panoramic 360-degree views of the surrounding lower-lying countryside, and its historic development as a strong defensive position.

21. It presents a point of convergence of strategic routeways and rivers which, in the past, allowed the control of trade routes, a developmental factor in the growth and permanence of Old Sarum as a defensive settlement over discernible periods of the history of Britain as a nation. Portway and Ford Road lie on the line of two Roman Roads which undoubtedly focus on Old Sarum SAM. The line/route of these roads are important non-designated heritage assets which are integral to an understanding of the SAM and its prominence in the landscape. Either side of the Portway is a concentration of recent development. On one side¹⁷ there is a major residential commitment to over 1000 new homes and some employment land. Some rather undistinguished residential development has already been constructed close to the Portway. On the southern side is the Castlegate Business Park, a development of equally undistinguished commercial units which adjoins the Airfield. The lining of the Portway in this manner does emphasize the linear nature of the road, so typical of Roman routes which take little account of topography or landscape, forcing through an essentially straight highway. From Old Sarum SAM, the converging lines of the two Roman Roads are obvious although not complete in the case of the Portway, where the line of the road ceases at the Portway/Ramsbury Drive roundabout. The strongly linear layout of the Castlegate Business Park and the Airfield buildings also run parallel to the Portway, adding further definition to the Roman Road when seen from overlooking landscape viewpoints.
22. The Stratford sub Castle Conservation Area surrounds the immediate environs of the hillfort, preserving it in a limited open landscape context to the west and south, where the encroachment of the wider urban sprawl of Salisbury has been checked, the lower slopes of the SAM still being readily discernible and readable in the context of the defensive position. To the north and east the expanse of the low-lying open countryside spreads out well beyond the boundaries of the Stratford sub Castle Conservation Area. When viewed from both within the hillfort and without¹⁸, even to the casual observer, the reason for both the SAMs defensive and authoritarian historic functions is clear in its assertive and powerful physical presence dominating the landscape, in the context of the open generally rural character of the plains and peripheral hills of its surroundings. In this way its immediate and wider landscape setting is a constituent part of the significance of the SAM.
23. The rural views over countryside which remain from the SAM do form a key part of the setting and significance of the monument. However, a landscape cannot be frozen in aspic. It naturally changes with the seasons and as leaves fall in the autumn and winter the view may change. That said the views are expansive and within the landscape there are discernible pockets of built development, including farmsteads. Old Sarum has already been permitted to grow, providing new homes, employment land and a park and ride facility. From Old Sarum SAM this expansion is unmistakable, but its distant

¹⁷ Northern side

¹⁸ I viewed the landscape in which the hillfort (SAM) and the appeal site sit from Figsbury Ring a distant Iron Age hillfort.

- separation and the degree of mature and maturing landscaping soften the impact of what appears further urbanising sprawl. Taking a purist view of the setting of the SAM, it could be argued that the sprawl of modern-day Salisbury and Old Sarum does not make a positive contribution to the significance of this heritage asset, diminishing its wider setting.
24. This setting does include the open expanse of the Airfield which is of particular importance due to its close proximity to the SAM and it being a foreground feature when viewed from the ramparts or in landscape views both near and far, being part of the surroundings in which the heritage asset is experienced.
 25. It is interesting to consider that Old Sarum Airfield became established in the very shadow of the historic hillfort for the same defensive function of protection and war time engagement.
 26. I find that linkage palpable and when standing on the ramparts of the hillfort overlooking the Airfield it is easy to imagine the defensive efforts of the military who operated from Old Sarum Airfield undertaking sorties during both the First and Second World Wars and the debt of gratitude owed by this Nation to those men and women who operated from the air station. The Airfield was also used as a training facility.
 27. As already indicated, above the Old Sarum Airfield is a Conservation Area in its own-right and includes Grade II* listed buildings. Its significance is partially defined by its boundary definition as an expression of what remains of the WWI/WWII functioning Airfield, including the surviving grass airstrip¹⁹, hangars, shooting range, officers' mess and quarters. The association of the remaining military buildings with the Airfield, many of which I observed are still in use, including the WWI shooting range and the listed hangars, further expound the significance of the Conservation Area. The openness of the grassed Airfield maintains an expression of the extent of the operational area of its military purpose, albeit some has already been lost to development over the years. However, at the heart of its significance is the use of the airstrip for flying purposes which has been a continuous operation from the military flying/training from the early 20th century to the Airfield passing into civilian hands in more recent time. It is still used for recreational and training flying, including helicopters and parachute jumping/training. This particular aspect of the significance of the heritage asset is highly valued locally and there is no local wish to prevent flying altogether. In fact, the maintenance of flying from the airfield is one of the focal points of preserving the character of the heritage asset. However, there are no controls over the level and intensity of flying activity from the Airfield and there has been a history of complaints about noise from local residents caused by over-flying Salisbury.
 28. CS Core Policy 25 seeks to address this situation and I will return to this point later. However, one further point which the policy response seeks to deal with is the damage caused to the heritage value of the Airfield by the intrusion of the functional late 20th century industrial sheds on the business park.

¹⁹ The position of the grass airstrip may not necessarily be in the exact position as that used in time of conflict as the strip has the potential to move within tolerances to accommodate other aircraft types.

Area B

29. Old Sarum Airfield is one of only three surviving WWI grass strip airfields of its type in Britain and so is of national importance in this context. Part of its importance is the inclusion of the Grade II* listed WWI hangars along with other associated supporting military buildings²⁰. The hangars were built in 1918 and were used to house and repair aircraft contemporary to the period. They continued in use through the Second WW supporting the interventions of the Air Observation Unit, Special Operations Executive and the Royal Canadian Air Force. The only remaining listed hangars²¹ are a single and two paired arrangement. They stand adjacent to the wider flying field with a close association with the control tower and other associated designated and non-designated assets²². However, the modern Castlegate Business Park has engulfed the heritage buildings²³, shrouding them with modern unremarkable commercial sheds. The hangars seem to visually recede into the business park, diminishing the buildings standing as important WWI military resources. In some view points from the Portway, Green Lane and distant views in the landscape, they could be mistaken as being part of the business park. Their significance is firmly based on their contemporaneous association with the Airfield throughout its military use. The setting of the buildings has been unfortunately eroded by modern development, to a point where it is only where the hangars and Airfield are experienced in close physical association that the union and mutual inter-dependency of the Airfield and the hangars, as an expression of its war time service, can still be appreciated.
30. Further, whilst outside of the Airfield Conservation Area, the buildings of the business park are intrusive and neither preserve nor enhance its character and appearance²⁴.
31. The development of Area B would essentially run either side of the listed hangars, along the Airfield periphery where it adjoins the business park. The proposal is to create a hub of flying activities with new hangar buildings with office space above, and an aviation building including restaurant and new control tower. Inquiry Document 36 sets out the vision for these proposed buildings and their relationship with the existing historic aviation-centric buildings. The plans and design concepts are accepted as being for illustrative purposes only, but they do present an exciting and innovative glimpse at what could be achieved at Old Sarum revitalising the flying field and paying respectful homage to its past, whilst embracing its future firmly based in a continuation of flying from the Airfield. The buildings would also serve to physically frame views of the listed hangars as a centrally located aviation focus, creating a clear statement of the aviation purpose of Old Sarum, something which is currently lacking as described above. The buildings would also be of a comparable scale to the industrial sheds behind and would successfully screen this unsympathetic development from view creating a much improved and wholly appropriate context for the hangars. The hangars' current immediate constricted setting is not one which warrants preservation in

²⁰ Virtually a complete surviving example of a WWI airfield and training depot station - Grade II listed workshops, the station headquarters, the Motor Transport Sheds and Yard and the Shooting range all dated to the WWI period.

²¹ Some were destroyed by fire.

²² In the form of Workshops and military support buildings.

²³ Both designated and non-designated heritage assets.

²⁴ CD 45 – para 189.

its current form²⁵. The development of Area B in the way indicated in Inquiry Document 36 would significantly enhance the hangars' setting as well as their historic interest creating a modern expression of the original wartime flying hub. In this way the character and appearance of the Conservation Area would also be enhanced. The close proximity of any new flying hub buildings to the business park would have little impact on the openness of the Airfield, nor of the wider countryside setting of Old Sarum SAM from which the new buildings would be visible, but would be seen in the context of the Airfield with the potential to draw the eye from the urban/industrial buildings of Castlegate.

Area C

32. The peripheral edge of the Airfield and, consequently, the Conservation Area, adjoining the village of Ford is proposed to accommodate 160 new homes. This area, which in the main corresponds with that identified as a potential development area under the terms of CS Core Policy 25²⁶, does form part of the wider functioning Airfield, but in operational terms, due to its challenging topographical nature is unsuitable for flying activities due to its sloping nature being on the far side of a low ridge sloping down towards the village.
33. The Illustrative Master Plan²⁷ shows a layout of development taking some reference from the curving streets of Ford, which includes ex-military housing. The ridge and downward slope would, in my judgement, serve to conceal any new development in Area C from views from across the Airfield²⁸ or from Old Sarum SAM. The landscape strategy is to plant up the ridge with trees to create a firm visual edge to the operational Airfield.
34. The diminution of the open flying field, were Area C to be developed, would be more perceivable from Ford Road and Green Lane as well as the adjoining roads in Ford.
35. From more distant views in the landscape looking across the Airfield Conservation Area from the north-east²⁹, new homes in Area C would be viewed in the context of Ford village and in adopting a sympathetic design and layout, reflecting the character of this rural settlement, a strong relationship in character and appearance terms could be established.
36. Nonetheless, in respect of its importance to the significance of the Conservation Area and, to a lesser extent, to the setting of listed buildings on the far-side of the Airfield from Area C, the development site still forms part of the wider airfield context and the development of this part of the Airfield would represent an erosion of the wider Conservation Area, diminishing the openness of the grassed operational area with consequential harm to appearance and character of heritage assets and their significance.

Area A

37. In my mind Area A is the more polemical part of the development when considered in respect of the impact on heritage assets. Area A lies on land south of the Portway and west of the Castlegate Business Park. This part of the Airfield is out of sight of the main flying hub and in current operational

²⁵ Three sides adjoin the business park.

²⁶ Only to be permitted subject to facilitating CS Core Policy 25.

²⁷ CD 23.

²⁸ From the Castlegate/Portway side.

²⁹ From Figsbury Ring as an example.

terms the land is used for informal car parking and grazing. As part of the Airfield it is within the setting of the listed hangars particularly when viewed from across the Airfield from the east, from parts of Ford Road and from Old Sarum SAM itself. In respect of the Conservation Area, Area A, in general, is seen in the context of the Airfield, being part of its grassland extremities and its open character.

38. Like Area C, but to a greater extent, the development of Area A would unquestionably erode the open character and appearance of the Conservation Area. That erosion would also diminish the setting of the listed Airfield buildings merely in so far as it forms part of the Airfield itself.
39. However, there is the impact on the Old Sarum SAM to consider³⁰. From the ramparts of the SAM the openness of the land at the foot of its slopes is of particular prominence, both visually and in terms of the character of the expanding wider view of the open low-lying countryside off to the north and east, which is part of the setting of the SAM. The elevated position of the SAM above its surroundings and the consequently high-level panoramic views, are an expression of its setting for those experiencing the SAM from its ramparts. These elements all go as important contributors to the significance of the heritage asset.
40. Any development of Area A would be of particular prominence being in an exposed location where built form would be encroaching on the open space currently between the Castlegate Business Park, the concentration of existing recent residential development on the northern side of the Portway, taking into account the commitment to the Longhedge extension, and the park and ride facility at the Beehive. The business park, as an unsympathetic block of uninspiring, indifferent, urban, industrial sheds is particularly harmful in views from the SAM being a strongly negative element in its wider setting³¹. Unfortunately, to some degree the Portway residential development also negatively diminishes the quality of the character and appearance of the setting, being only saved by the continuing maturity of the landscaping within it. As already identified, the Airfield does present a positive synergy with the SAM which is best appreciated looking out from one military reconnaissance/combat point, across another, of another time and another military means of distant reconnaissance/combat.
41. To avoid any further unsympathetic development in such an exposed location so close to the SAM itself I need to be entirely confident that Area A would be developed in such a way so as to preserve the setting of Old Sarum SAM³².
42. The Illustrative Master Plan shows a layout designed around the creation of a linear park built as an expression of the alignment of the Roman Road (the Portway) extending towards Old Sarum SAM. The connection between the Portway and the SAM no longer exists other than in the imagination of those standing on the ramparts of the SAM looking out towards the Portway or

³⁰ Its associated Stratford sub Castle Conservation Area would not, in itself, be impacted upon by the proposed development which would have only a neutral effect other than, in so far, as the Conservation Area forms part of the immediate setting of the SAM.

³¹ I agree with Inspector Yuille's assessment that the modern buildings of the business park are intrusive being clearly visible from the ramparts of the Ancient Monument thereby harming its setting – CD 45 para 189.

³² Taking into account the terms of CS Core Policy 25, Area A being more or less the same as that area defined in Figure 5.16 for potential development.

experiencing the SAM from the Roman Road itself. Area A could deliver a re-establishing of the physical expression of the alignment of the road emphasised by landscaping and building blocks either side, as well as informative resource material³³. The 302 proposed homes in this area would be a mix of dwellings, including apartments and family homes. It is suggested in the Design and Access Statement³⁴ that there would be a number of focal points and landmark buildings designed into the layout. Building heights would be of the order of 2 to 4 storeys with a varied roofscape. Design influences would be taken from the historic airfield buildings. The character and appearance of the proposal is promoted as being contemporary with an historic influence resulting in an individual character where contemporary feature buildings would create local landmarks for navigation around the site.

43. Various illustrative plans have been produced to show what the building heights might look like, what densities might be appropriate in Area A and other strategic concepts within the development design³⁵. However, I am conscious that this is an outline proposal with only access for consideration. The illustrative material is informative but that is all.
44. It has been suggested that planning conditions could be used to secure reserved matters which broadly conform to the parameters set out within the Illustrative Master Plan and other associated material. As a mechanism for securing such compliance, in theory, this could be used. However, this presupposes that the illustrative layout and design guidelines present indicators of what would be an acceptable form of development in an extremely sensitive location within the immediate setting of the SAM. It is vital that the design and quality of the development should be such that the finally constructed development preserves the setting of the SAM³⁶ and, in my mind, this must be more than just screening off the industrial sheds of the business park. This is an opportunity to create a development which takes the aviation heritage of the Airfield and combines it with the enhancement of the SAM through the physical acknowledgement of the Roman route through the site. The submitted concept plans and supporting information do give a flavour of how development might be approached, and, in my view, they are moving in the right direction but with only basic and, by the appellant company's own volition, only illustrative information. The Illustrative Master Plan does not convince me that a development of the density and dwelling number and type could be accommodated appropriately within Area A, even given some would be apartments. From the SAM the illustrative layout would have the desired effect of screening/softening the impact of the business park buildings, but in my view the layout has been designed with too much emphasis on that purpose. A successful development of Area A needs to create its own sense of place taking into account the sensitivity of its location where its relationship with various heritage assets is of paramount importance.
45. The illustrative material submitted gives me no surety that the final scheme, which may or may not be led by the appellant company³⁷, would be of the high

³³ CS Core Policy 25 i.

³⁴ CD 7 – Section 5.6.

³⁵ Core Plan folder - plans CP3, CP6 and CP7 and CP17 and CD23 + CD 4.

³⁶ Inspector Yuille indicates that it would be particularly important that care was taken in the design, siting, scale and landscaping of the most westerly of the development areas as this is particularly visible from Old Sarum SAM -CD 45 para 195.

³⁷ I have noted that the evidence of the appellant company was that they would control the development of the appeal site, but circumstances can change – no mechanism was produced to secure this commitment.

quality of design which Area A demands. For a future potential interpretation of development to be more akin to a volume house approach would be unfortunate in such an exposed location of importance to the significance of the SAM. This is particularly so when the elevated views across Area A are taken into account from the SAM ramparts. The layout and design of development takes on a different dimension when seen from a high-level view point. Being so much closer to the SAM than other residential development Area A would be more exposed where landscaping, in a screening capacity, would be of limited effectiveness. The fundamentals of the layout and design of Area A are not matters which should be put off to a later decision in the context of this sensitive location where heritage considerations are to the fore.

Heritage harm outcome

46. So, having considered all three areas separately I need to draw together the threads of the effects of the proposed development on heritage assets.
47. It is undeniable that the appeal proposals would represent change in the significance and setting of these designated and non-designated heritage assets. The proposed development would represent an erosion of the open character and appearance of the Airfield Conservation Area, the setting of the listed hangars and that of the Old Sarum SAM. In all of these cases, openness is a fundamental element of their significance. However, there would not be a total loss of significance and so the appeal proposal, as a totality, would lead to less than substantial harm to the significance of designated heritage assets.
48. An Inspector colleague waxed lyrical expressing that "At times the exercise of identifying the degree of harm within the category of less than substantial harm can appear like trying to count how many angels can dance on the head of a pin"³⁸. In this instance considering the cumulative harm to heritage assets that has been identified, and particularly to the setting of the Old Sarum SAM, I am of the mind that the head of the pin would be greatly populated by the dancing angelic hosts in terms of the degree of less than substantial harm brought about.
49. Having reached this view, the less than substantial harm to the significance of the designated heritage assets should be weighed against the public benefits of the proposal, including securing its optimum viable use³⁹.

Public benefits – these are not listed in order of importance

50. *Securing the restoration of the listed Hangar 3* - the appellant company proposes this before any of the housing development commences. They also made it clear the development proposal should not be seen as enabling development but facilitating the works of restoration⁴⁰. As I saw at my site visit the hangar is still in limited use, but its roof and internal roof structure are in need of considerable works. It struck me at the Inquiry that those who are involved in the running and overseeing of the Airfield are immersed in its history and importance and are seeking to secure its long-term future as a flying hub. From the evidence of Mr Hodge I was left with the impression that it is likely that the hangar would be repaired, in any case, but this would be

³⁸ Inspector SRG Baird – Ref 3189592.

³⁹ Paragraph 196 of the Framework requires that the identified harm in the less than substantial category should be weighed against the public benefits of the proposal.

⁴⁰ Durrant proof para 5.8.

over time dependant on availability of resources. The timely restoration of the hangar would be to halt the current deterioration of the condition of the building, preserving it as a building of national importance. Even in the context of the possibility that the building would be repaired outside of the proposed scheme I ascribe considerable weight to the early reversal of the hangar's current decline.

51. *The removal of unsympathetic more recent buildings and structures*, which have no historic value, from the area in the foreground of the hangars and on the edge of the flying field, would certainly improve the immediate setting of the hangars and enhance the character and appearance of the Airfield Conservation Area. By returning this central area of aviation activity to something more akin to its WWI origins would amount to a public benefit creating a further insight to the development of the Airfield.
52. *Improvements to the flying field*, including the re-orientation of the grass runway which would allow rare historic aircraft such as Spitfires to land. This would be an important enhancement of the Airfield and consequently to the character of the Conservation Area as not only would flying be maintained⁴¹ but would facilitate the reintroduction of historic aircraft with a close association with the military past of the site.
53. The re-alignment of the airstrip would also serve to reduce the overflying of the Old Sarum SAM. This would reduce noise in the immediacy of the SAM itself which would enhance its character.
54. *Extension and improvement of the existing flying hub* which would provide services to facilitate public access, including a resource centre, aviation archive and café/restaurant for visitors and those actively using the site⁴². Such facilities would enhance the character of the Conservation Area, improving public access in terms of movement around the site to appreciate flying activities via cycleways and circular pathways⁴³.
55. *Provision of landscaped and amenity areas* to encourage public access and enhance the experience of the flying field and an appreciation and access to heritage assets.
56. *Control of flying movements* which currently remain unrestricted. In the circumstances of the provision of an appropriate mechanism to secure the restriction of hours of use for flying purposes and type of aircraft using the Airfield⁴⁴, this would be a significant public benefit. I heard that over time there has been cause to complain about aircraft noise by local residents both in the immediate environs and in Salisbury itself. The control of the number of aircraft movements along with restricted times of flying would certainly improve noise levels issuing from the use of the Airfield in general. The proffered monitoring and reporting of aircraft noise would serve to oversee the

⁴¹ CS Core Policy 25 v.

⁴² CS Core Policy 25 vi.

⁴³ Would also increase connectivity across the site and from Ford village over to the Portway/Beehive, a public benefit to be encouraged – CS Core Policy 25 i, vi.

⁴⁴ The offer of the removal of helicopter flying/training from the Airfield to improve residential amenity for those living in Ford in respect of noise.

reasonable controls sought⁴⁵. Resultant improvements to the amenities of local residents⁴⁶ should be given considerable weight in any balancing exercise.

57. *Re-establishment of the line of the Roman road* as already described above to enhance the experience of the SAM, along with resource and interpretive material. This latter resource would also be provided around the Airfield to enhance understanding and appreciation of its history and development.
58. Even in the face of a marginal and yet accepted 5 Year Housing Land Supply, the proposed new homes would serve to contribute to the Government's objective of significantly *boosting the supply of homes*.
59. The appellant company within its Closings sets out the fall-back position should planning permission not be granted⁴⁷. Most of the benefits outlined above would not happen, particularly in relation to the current unrestricted movements of aircraft of all types. Therefore, one of the aims of the Development Plan policy would not be delivered⁴⁸. The business park would also still remain as an obvious hard urban, unsympathetic feature within the setting of heritage assets. The condition of Hangar 3 would also be likely to further deteriorate which would not preserve the listed building nor any of its features of special architectural or historic interest. All of these are weighty matters which do need to be added to the balance of this decision.
60. However, based on the evidence before me, the maintenance of flying from Old Sarum Airfield is secure even if planning permission is not granted for this proposal. The heritage connection between flying and the Airfield would be maintained and therefore, this in itself does not weigh positively or negatively into the balance. This equally applies to the securing of the Airfield's optimum viable use as a working airfield.

Heritage balance

61. The identified public benefits of the appeal proposal do present cumulatively considerable weight to be added in the heritage balance set out in Framework paragraph 196, along with the presumption that preservation is desirable.
62. However, the resultant erosion of the open character and appearance of the Airfield Conservation Area and the setting of the Old Sarum SAM and the listed hangars and other associated buildings, whilst constituting less than substantial harm in Framework terms, would not preserve the setting of the listed buildings/SAM, nor would it preserve or enhance the character or appearance of the Old Sarum Conservation Area in the circumstances of the overall scheme as currently proposed⁴⁹. This would result in an inordinate amount of harm to heritage assets. The considerable importance and great weight which I ascribe

⁴⁵ The mechanism to secure the proffered restrictions of current unfettered usage and consequent noise levels, in my view, needs to reflect the requirement set out in CS Core Policy 25 iii there being rights over private land involved.

⁴⁶ CS Core Policy 25 iii

⁴⁷ Inquiry Doc 39 Section 2 page 11.

⁴⁸ CS Core Policy 25 has essentially sprung from a desire to seek some control and strike an appropriate balance between the flying activity and the amenity of Salisbury's residents, in the context of the facility being highly valued locally for the historical and recreational opportunities it provides, including maintaining flying from the airstrip.

⁴⁹ Statutory duties placed upon decision-maker in Section 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The terms of CS Core Policy 58 would also be offended.

to this identified heritage harm⁵⁰ would outweigh the public benefits which would ensue from the development⁵¹.

Planning Balance

63. On the face of it then the heritage harm would be enough to reject the proposal at this stage. However, I am conscious that the Development Plan supports the principle of new development at the Airfield under the terms of CS Core Policy 25. So, I move on to the planning balance.
64. CS Core Policy 25 is an up to date policy seeking to facilitate a strategy allowing sympathetic new development on the airfield perimeter. Its aim is ensuring that any development over the airfield area is closely controlled, of a high quality, able to enhance the historic environment and will deliver the benefits required by policy. The identified elements within the policy were all considered by two previous Examining Inspectors and must all be delivered for compliance⁵².
65. As already indicated in the heritage balance and above, a goodly number of public benefits would be delivered through the development scheme and this would include a number of the criteria set out in CS Core Policy 25⁵³. However, the delivery of those benefits can not be at any cost.
66. Criteria iv seeks the submission, agreement and implementation of a development masterplan which delivers a high quality development that takes opportunities to enhance the historic environment and protects the amenity of existing residents. As I have explained in respect of Area A, the Illustrative Master Plan and associated material have shortcomings and I have for the reasons set out above found it wanting in heritage terms, the historic environment would not be enhanced⁵⁴.
67. Whilst the accompanying text to the CS Policy does refer to the masterplan being developed in partnership with the local community and the Council⁵⁵, I am also conscious that although the appellant company has not stuck strictly to the letter of that text, in an attempt to move the development forward they have used the planning application consideration of the scheme as a means of consultation and evolving the proposal. I consider this responds to the spirit of the policy in seeking to enhance the heritage value of the Airfield in a timely fashion. That said I find the Illustrative Master Plan, going beyond heritage considerations, to be equally unacceptable for the same reasons as previously stated above. The required high quality development would not be delivered on current showing, nor would a strong sense of place be created, drawing on

⁵⁰ Framework para 193.

⁵¹ I have also taken into account implied economic benefits of the scheme both during construction as well as into the future.

⁵² Both Examining Inspectors were clear that the development of the Airfield as indicated by Figure 5.16 of the CS must be suitable and of a high quality. There was no indication of the acceptability of a design or layout however conceptual.

⁵³ When looking at the public benefits in the heritage balance, I have indicated where some elements of CS Core Policy 25 would come forward – See various footnotes above.

⁵⁴ The proposal as presented in illustrative form does not convince me of the quality of the development nor its compatibility with the sensitive historic environment of which the appeal site forms a characterising component part.

⁵⁵ CS para 5.135.

context, in this instance being the heritage assets and being complimentary to the locality⁵⁶.

68. Therefore, it is clear that there is identified conflict with the Development Plan as a whole, resulting in consequential harm to which substantial weight should be ascribed⁵⁷. The proposal has also been assessed against the Framework as a whole and when specifically assessed against paragraph 196, it is found in the balance of the decision that specific policies in the Framework indicate development should be restricted, a finding which similarly weighs significantly against the proposal.
69. I am conscious that there may or may not be other harms to put into the balance of this decision. The heritage harm I have identified, along with the specified harm resulting from conflict with the Development Plan, are sufficiently weighty⁵⁸ to clearly out-weigh the benefits of the proposal. They are also material considerations leading to a conclusion that the presumption in favour of sustainable development is not engaged. On this basis, it would not be productive in the context of this appeal to examine matters further.
70. Consequently, I dismiss this appeal and refuse planning permission.

Frances Mahoney

Inspector

APPEARANCES

⁵⁶ CS Core Policy 57 would be offended.

⁵⁷ This includes conflict with the other relevant Development Plan policies already identified in this decision.

⁵⁸ Great and over-riding weight.

FOR THE LOCAL PLANNING AUTHORITY:

Hashi Mohamed Of Counsel	Instructed by Dorcas Ephraim, Senior Solicitor (Planning)
He called	
Andrew Minting BA (Hons) Msc (Oxon) DipBldgCons (RICS) IHBC	Senior Conservation Officer – Development Management
Brian Johnson Dip Arch RIBA	Urban Design Officer
Will Harley BSc (Hons) CMLI	Director of WHLandscape Consultancy Ltd
Richard Hughes	Team Leader – Development Management Team
Dorcas Ephraim	Senior Solicitor (Planning)
Claire Giles MSc BA(Hons) MRICS	Principal Surveyor, RICS Registered Valuer DVS

FOR THE APPELLANT:

John Steel QC	Instructed by Grenville Hodge Director Old Sarum Airfield Ltd
He called	
Grenville Hodge BTech (Hons) FRAeS MIET	Director Old Sarum Airfield Ltd
Hugh Feilden MA (Cantab) Dip Arch RIBA SCA	Partner Feilden + Mawson LLP
Dai Lewis BA (Hons) PgDip LA CMLI	Director Environmental Dimension Partnership Ltd
Edmund Stratford BA (Hons) MCIfA	Principal Archaeology and Heritage Consultant Environmental Dimension Partnership Ltd
Richard Hutchings BSc CEng MICE FIHT CMILT MAPM	Director WSP UK Ltd
	Director Goadsby

Peter Atfield B Tp MRTPI
MTCPA

Les Durrant Dip TP MRTPI
FRICS MInstD

Group Chairman & Managing Director DPDS
Consulting

INTERESTED PARTIES

Mel Barge	Inspector of Ancient Monuments – Historic England
Ian McLennan	Wiltshire Councillor for Laverstock, Ford & Old Sarum Ward
Vic Bussereau	Vice Chair of Laverstock & Ford Parish Council
Richard Buss	Member of the Salisbury Vintage Rifle and Pistol Club
Sam Salter	Member of Tidworth Rifle and Pistol Club
Ron Champion	Local Resident

INQUIRY DOCUMENTS

Doc 1 - Residential Roads and Footpaths – Layout Considerations April 1992

Doc 2 - Draft conditions and section 106 draft – dated 7 October 2018 – superseded by Inquiry Doc 32

Doc 3 - Council opening remarks

Doc 4 - Appellant's opening remarks

Doc 5 - Councillor McLellan statement plus documents

Doc 6 - Mr Bussereau statement

Doc 7 - Mr Buss statement

Doc 8 - Mr Champion statement

Doc 9 - *Mere* Appeal decision

Doc 10 - Area B Hangers plan; November 2014 – Superseded by Doc 36

Doc 11 - Plan going with CD 83; development principles plan (appeal in 1999)

Doc 12 - Wiltshire Council environmental control and protection consultation response

Doc 13 - Technical Note on phosphate neutrality

Doc 14 - S106 / Unilateral Undertaking Docs – superseded by signed version Inquiry Doc 31

Doc 15 - Old Sarum aircraft movement summary 2002-2018 (includes helicopters)

Doc 16 - Old Sarum Airfield activities

Doc 17 - Costings on Hangar repair provided by Mr G Hodge

Doc 18 - *Southside Court*, Green Lane Appeal Decision

Doc 19 - Catesby Estates Limited Court of Appeal Decision

Doc 20 - Joint Position Statement on Housing Land Supply

Doc 21 - Appraisal on viability; Hodge and Atfield

Doc 22 - GDPO legislation extract

Doc 23 - Email to Mr Hughes from Mr Harris and attached solicitor's letter from Wilsons

Doc 24 - Agreement application description as agreed and signed

Doc 25 - Bus Plan and bus times extract

Doc 26 - Site visit plan as agreed

Doc 27 - Conditions bundle of documents from the Council

Doc 28 - Schedule of viability inputs (from Council and Appellant)

Doc 29 - South Wiltshire Submitted draft of Core Policy 9

Doc 30 – Revised Appropriate Assessment dated 12 February 2019 along with accompanying correspondence

Doc 31 – Signed and completed Unilateral Undertaking

Doc 32 – Revised conditions dated 6 February 2019

Doc 33 – Revised condition and UU text dated 6 February 2019

Doc 34 – Waste storage and collection: guidance for developers

Doc 35 – Henham appeal decision APP/C1570/W/16/3162954 & APP/C1570/W/17/3171425

Doc 36 – Area B Buildings 7796 A04 – October 2018 - Supersedes Doc 10

Doc 37 – Plan 7796 005 A00 – Demolition Plan

Doc 38 – Closing remarks – Council

Doc 39 – Closing submissions – Appellant Company

Doc 40 – Application for Costs on behalf of the Appellant Company

Doc 41 – Response by Council to the Appellant Company’s Cost Application

Doc 42 – Housing Schedule to be attached to Goadsby appraisal

Doc 43 – Cost submission on behalf of the Council

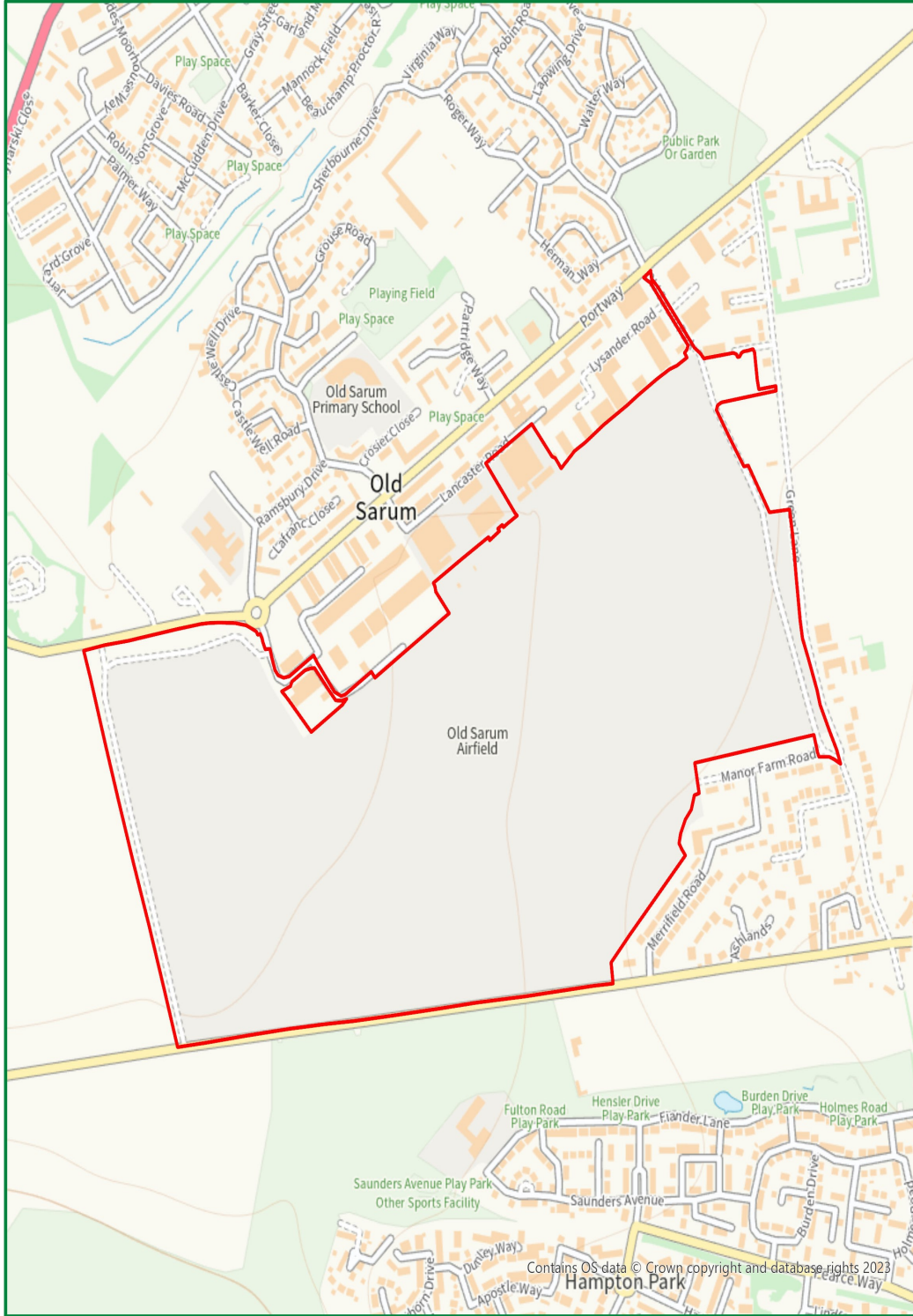
Doc 44 – Response by the Appellant Company to the Council’s Cost Application

Doc 45 – Comment on Site Visit use of firing ranges on February 14 2019 – Grenville Hodge

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Wiltshire Council

PL/2023/07368
Land At Old Sarum Airfield, Old
Sarum, Salisbury, Wilts, SP4 6DZ



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 August 2024
Application Number	PL/2023/10394
Site Address	Land south of Salisbury Road, Homington, Coombe Bissett
Proposal	Construction and operation of a solar photovoltaic farm and associated infrastructure
Applicant	Low Carbon Solar Park 24 Limited
Town/Parish Council	Coombe Bissett
ELECTORAL DIVISION	COOMBE BISSETT AND HOMINGTON – Cllr Richard Clewer
Type of application	Full Planning
Case Officer	Joe Richardson

Reason for the application being considered by Committee

The application is before the committee at the request of Cllr Richard Clewer in view of public interest / strength of local feeling and landscape impact.

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 for the reasons set out below.

2. Report Summary

The application has been subject to consultation and publicity, including site notices, press notices, neighbour notifications and publications on the Council's website. Representations have been received from 67 third party objectors and 3 third party supporters.

The issues in this case are:

- Principle of development considering the 'Rochdale Envelope' approach;
- Decommissioning and Restoration of site;
- Site selection and the loss of best and most versatile agricultural land;
- Cumulative Impact of Solar Farms within Wiltshire and Landscape Impacts;
- Residential Amenity Impacts;
- Ecological Impacts;
- Highway safety;
- Heritage and Archaeological Impacts;
- Flood Risk

3. Site Description

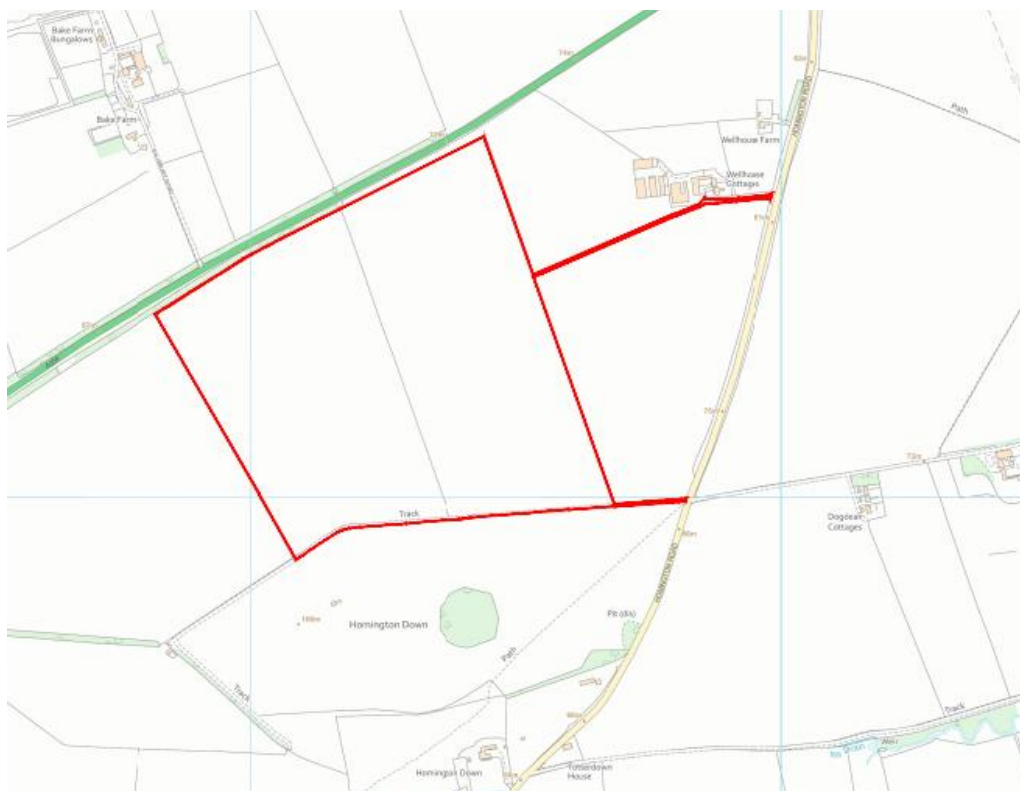
The site subject to this proposal covers approximately 40.4 hectares (ha) of two interconnecting agricultural fields situated on land to the south of Salisbury Road (A354) which

lies to the east of the village of Coombe Bissett, south of Harnham and Salisbury and to the north of Homington. Homington Road is set back to the east, the River Ebble Valley is set back to the south and the Bake Farm solar array is to the north-west.

The 40.4 ha site is situated in the open countryside, to the east of the defined settlement boundary of Coombe Bissett, a large village as defined by the Wiltshire Core Strategy (WCS) policies, CP1 (Settlement Strategy), CP2 (Delivery Strategy) and CP23 (Southern Wiltshire Community Area). The nearest residential settlements to the site include the villages of Coombe Bissett and Homington that are approximately 700 metres to the south and west separated by the Homington Downs and the A354 public highway. To the north west of the site is Harnham Hill which is approximately 1.3kms. Within the site are two designated public rights of way known as CBIS4 and BRIT13. To the south of the site are the public footpaths known as CBI6, CBIS20 and BRIT12. To the north and south of the site are two designated Tree Preservation Orders referenced as S/BRIT/TPO1. There are a number of scheduled monuments within 2km of the site and the Coombe Bissett and Homington Conservation Areas are within 1km to the west and approximately 690 metres to the south.

The site is within the catchment of the River Avon SAC, and is within 13.8 kilometres of New Forest (which is designated as a SAC, Special Protection Area (SPA) and RAMSAR site). The site is located within a special landscape area and is within Flood Zone 1.

The red line plan below shows the site in its context:



The site comprises of two agricultural fields to the south of Salisbury Road (A354) within the agricultural landscape to the east of Coombe Bissett. The agricultural land is classed as Grade 3 and this is covered in more depth later in this report.

The area itself consists of two intensively farmed agricultural fields defined by mature hedgerows and hedgerow trees except to the east where the field boundary is largely open. Public right of way BRIT13 follows the eastern side of the site.



View of site from Farm Track/PROW BRIT13



View of site from Homington Road



View of site from the A354 public highway



View towards Wellhouse Cottages and Wellhouse Farm

4. Planning History

PL2023/03063 - Proposed Solar Photovoltaic Farm and Associated Infrastructure –
Screening Opinion – EIA Required 04.05.23

5. The Proposal

The proposal seeks planning permission for the construction and operation of a ground mounted solar farm and associated infrastructure. The proposed development would include the following equipment:

- Rows of solar photovoltaic ('PV') panels;
- Inverters within shipping containers (or similar);
- Operations and Management building;
- Spare parts container;
- Cabling and substations;
- Internal access tracks;
- Perimeter fence and internal fencing; and
- CCTV cameras

The Point of Connection (POC) consists of an existing substation approximately 0.7km to the south of the site (the Homington substation) but this POC does not form part of this planning application and will be submitted by way of a future planning application should this proposal be approved. It is estimated that the solar panels will generate approximately 30 megawatts (MW) of power, enough to supply approximately 9,642 homes per year. The application is accompanied by an indicative site layout plan of the site as shown below. This shows the potential location for panels, inverters, access tracks and other onsite infrastructure.



The submission of this application does not provide all of the design details of the proposed development as a final investment decision will need to be undertaken by the applicant should members be minded to approve this scheme. In the absence of this, the application seeks to incorporate sufficient design flexibility in terms of the dimensions and layout of the structures that include the precise layout of the site and height of the solar panels.

The development zones are shown in the plan below and would define where certain infrastructure is located within the site. The key infrastructure permitted within each zone would be as follows:

Zone 1: Solar panels, inverters and transformers;

Zone 2: Solar panels, inverters/transformers, DNO substation, Operations and Management Building, spare parts container.



6. Local and National Planning Policy

National Planning Policy Framework

Section 2 Achieving Sustainable Development

Section 12 Achieving Well Designed Places

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

Section 15 Conserving and enhancing the natural environment

Wiltshire Core Strategy

Core Policy 1 Settlement Strategy

Core Policy 2 Delivery Strategy

Core Policy 3 Infrastructure Requirements

Core Policy 24 Southern Wiltshire Community Area

Core Policy 25 New Forest National Park
Core Policy 42 Standalone renewable energy resources
Core Policy 48 Supporting Rural Life
Core Policy 50 Biodiversity and Geodiversity
Core Policy 51 Landscaping
Core Policy 52 Green Infrastructure
Core Policy 57 Ensuring high quality design and place shaping
Core Policy 60 Sustainable Transport
Core Policy 61 Transport and New Development
Core Policy 62 Development Impacts on the Transport Network
Core Policy 67 Flood Risk
Core Policy 69 Protection of the River Avon SAC

Wiltshire Local Transport Plan 2015-2026:

Car Parking Strategy

Saved Salisbury District Local Plan

C6 – Special Landscape Area

Supplementary Planning Guidance:

National Planning Statement for Energy (NPSE)

National Planning Statement for Renewable Energy (EN-1)

AONB Management Plan 2019 – 2024

Written Ministerial Statement 15 May 2024

On 15 May 2024, the last government announced in a written ministerial statement cautioning against approving the construction of solar farms on farmland and advised councils to consider the ‘cumulative impact’ of new solar farms.

The ministerial statement states:

“Food security is an essential part of national security. This Government is fully committed to delivering robust UK food security and recognises its paramount importance to our national security. This is reflected in our commitment to maintain the current level of food we produce domestically. Heightened geopolitical risk has brought this into sharper focus and we think it is more important than ever that our best agricultural land is protected and our food production prioritised.

Similarly, we have seen our energy security threatened following Putin’s illegal invasion of Ukraine with the government spending over £40bn to pay up to a half of people’s energy bills. We are combatting this by racing ahead with deployment of renewable energy; nearly half of our electricity today is produced from renewables which is up from only 7 percent in 2010. Solar power is a key part of the Government’s strategy for energy security, net zero and clean growth. This position was reinforced in the new National Policy Statement (EN-3), published in January this year, which stated that “Solar also has an important role in delivering the government’s goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)”.

Government recognises that, in some instances, solar projects can affect local environments which may lead to unacceptable impacts for some local communities. The planning system is designed to balance these considerations against the need to deliver a secure, clean, green energy system for the future.

Protecting the Best Agricultural Land

The new National Policy Statement that we published in January makes clear that “applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of “Best and Most Versatile” agricultural land where possible. The Government in Powering Up Britain: Energy Security Plan clarified that while “solar and farming can be complementary” developers must also have “consideration for ongoing food production.”

Nevertheless, in balancing both the need for energy security and food production, we are concerned that as large solar developments proceed at pace, more of our ‘Best and Most Versatile’ (BMV) land could be used for solar PV instead of food production. I am therefore setting out further detail about how our policy on balancing these competing priorities is intended to be applied.

As is outlined in the National Policy Statement, the starting position for solar PV developers in taking forward Nationally Significant Infrastructure Projects is that applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality.

The National Policy Statement can also be a material consideration in determining applications under the Town and Country Planning Act 1990 and is broadly consistent with the approach to agricultural land in the National Planning Policy Framework which states that “Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development”.

This means that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary. Applicants for Nationally Significant Infrastructure Projects should avoid the use of Best and Most Versatile agricultural land where possible.

For Nationally Significant Infrastructure Projects, including those already in the system, the National Policy Statement and from today this WMS are likely to be important and relevant considerations in the decision making process. The Government will keep under review the evidence base underpinning the National Policy Statement published in January.

Addressing Cumulative Impacts

While the total area of agricultural land used for solar is very small, and even in the most ambitious scenarios would still occupy less than 1% of the UK’s agricultural land, we are increasingly seeing geographical clustering of proposed solar developments in some rural areas, such as in Lincolnshire. When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.

In parallel, my Department will be expanding the Renewable Energy Planning Database to include additional information on the types of agricultural land used by existing solar projects

and those in the planning pipeline. This will enable us to carefully monitor the use of land by renewable projects in all regions of the UK.

Improving Soil Surveys

The Government has heard concerns about the perceived inaccuracy and unfairness of soil surveys undertaken as part of the planning process for solar development. The Government will address this by supporting independent certification by an appropriate certifying body, subject to relevant business case approval, to ensure Agricultural Land Classification Soil Surveys are of a high standard, requiring surveyors to demonstrate meeting an agreed minimum requirement of training/experience. We will also seek to ensure consistency in how data is recorded and presented, so that reports on agricultural land classification are consistent, authoritative and objective.”

Local Context:

On 21 May 2024 Wiltshire’s Full Council met and carried the following motion;

“Whilst not opposed to the principle of the development of solar farms in line with the National Planning Policy Framework this Council is increasingly concerned at the concentration of solar farms, battery storage and associated infrastructure in Wiltshire. Some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside.

Wiltshire Council therefore calls on the Secretary of State for the Department of Levelling Up, Housing and Communities to define more closely what is meant by ‘cumulative impact’ regarding solar farms battery storage and associated infrastructure and to take clear steps to ensure that solar developments are more evenly spread across the UK and not concentrated in specific areas effectively industrialising the countryside.

We would also ask for clarity of the priority given to ensuring that food production and farming are not destroyed as industries in specific areas through an excessive concentration of solar farms given the massive impact that would have on the rural way of life in villages that have been farmed for time immemorial.”

7. Summary of consultation responses

Coombe Bissett Parish Council – Objection with comments summarised as:

1. Connection to the Grid – the application contains no information on how the solar farm will be connected to the Electricity Grid;
2. Loss of Best and Most Versatile Agricultural Land;
3. Highway and Road Safety including:
 - a) Site Entry Routes;
 - b) Road Safety;
 - c) Visibility Splays
4. Ecology
5. Site Restoration

Britford Parish Council – No objection

Salisbury City Council – Objection with comments received stating:

SCC comment on the application, reflecting the split views of the committee, raising the following concerns;

- Visual impact on the landscape
- No grid connection
- Loss of agricultural land
- Lack of environmental assessment
- Would like to see Biodiversity net gain should the development go ahead

WC Climate Team - Support with the following comments received:

The climate team actively and strongly encourages developers of all scales to put the mitigation of and adaption to climate change as a golden theme to run through their development project. This is a proposal that is crucial in supporting the council's goal to seek to make the county carbon neutral by 2030. This is a goal set out in the adopted Climate Strategy. The Climate Strategy is part of the council's constitution and is a non-statutory plan of equal standing as the Business Plan. Delivering on the council's climate change commitments will support the delivery of the Business Plan including its own reiteration of the commitment to reducing the county's carbon footprint, an action derived from the council's 2019 acknowledgement of the Climate Emergency. In short, Wiltshire Council has embedded addressing climate change into its constitution and needs to use its spheres of influence, such as its regulatory planning powers to affect positive change. Its statutory planning decision tool, the Wiltshire Core Strategy, provides a positive framework for standalone renewable energy proposals such as this. The proposal will generate a significant amount of renewable energy (circa 30MW), which the developer sets out will provide enough power to service the equivalent of around 9,642 homes. By reducing the need to generate electricity through the burning of fossil fuels, which result in the emission of greenhouse gases, this scheme will mitigate climate change. The science of climate change is now irrefutable, the emission of greenhouse gases, such as carbon dioxide, through human activity is demonstrably warming our climate. The consequences of this negatively impact our economy, our society and our environment. This is an issue at the heart of sustainable development. The delivery of sustainable development is what underpins the planning system. Therefore, the NPPF is clear at paragraph 157 that the planning system needs to support the transition to a low carbon future through shaping places in ways so as to contribute to radical reductions in greenhouse gases. The provision of renewable energy will be key in meeting this challenge. For example, the UK government sets out in its March 2023 document, *Powering Up Britain* that we will need to aim for a 5-fold increase in solar PV generation by 2035. This means the UK will need up to 70GW of power, enough to power around 20 million homes. Place this into a Wiltshire context, where solar PV has historically been by far the greatest source of renewable energy ([Wiltshire County Report – Wiltshire Carbon Emissions Baselines and Reduction Pathways, March 2022](#)), and is set to remain so, then this proposal would represent an early and significant contribution to net zero ambitions. Whilst the delivery of solar PV in Wiltshire has been strong, this is not reflected in other forms of renewable energy, for example wind. The UK government reviewed its national position in the NPPF this year but did not reverse its 'de-facto ban'. The carbon reduction pathway for Wiltshire sets out a reliance on wind coming forward and this now seems unlikely. So, realistically, solar PV will be the main source of renewable power for Wiltshire in the foreseeable future and will need to compensate for the lack of other renewable energy sources in Wiltshire in the transition to net zero. In short, a net zero future for Wiltshire will mean we need more solar on the roofs of buildings, and we will need more standalone installations like this too. It is also important to consider that the developer states that they have secured a grid connection for the development. The PPG acknowledges that grid connection is a significant barrier for delivery of renewable energy. So, that this scheme has an agreed grid connection must weigh positively and will mean that this scheme can make an early and significant contribution to meeting net zero goals. Without these types of

proposals coming forward, providing a pipeline of deliverable projects, society will have an unrealistic task of firstly reaching net zero, but then adapting to the environmental consequences of delayed action. This will include more extreme weather causing overheating and flooding. Issues that will harm our built and natural environments, causing economic, social and environmental losses. This proposal will not only help to decarbonise the grid by the 2035 UK Government target, but it will also support energy security by reducing our reliance on fossil fuels, which are often bought from foreign markets that have become increasingly volatile driving higher energy prices. Furthermore, of particular note is that the scheme could help to deliver strong levels of biodiversity net gain, targeting around 50% habitat improvement and 32% hedgerow improvement. This is well in excess of policy requirements and will help to address the concurrent Ecological Emergency. This relates directly to one of the key criteria for assessing renewable energy proposals set out in the development plan and national planning practice guidance. The development, through the landscaping strategy will provide carbon sequestration too. Indeed, it is clear from a review of the submission that the developer has recognized the need to minimise and mitigate any potential impacts on wider planning considerations. If residual impacts are found in any planning assessment, then the council should be positive and proactive in any discussions with the developer to mitigate impacts as far as practically possible, consistent with paragraph 163. From the design and access statement it is very clear that the developer is open to negotiation on the detail of this scheme. They have already adapted their proposals in light of public consultation and the aims to protect best and most versatile agricultural land for food production. Less than 50% of the site is within the definition of best and most versatile agricultural land, and through the provision of habitat suitable for grazing, then the land will remain in viable food production use. If harm remains, then each benefit of the scheme needs to be apportioned positive weight in favour of granting approval. The annual carbon reductions of this scheme for example ought to be afforded significant weight because climate change is the central issue to be addressed by the development plan and the importance of the issue has only increased since the extant plan was adopted in 2015. Other benefits including the biodiversity net gain in excess of policy requirements needs to be apportioned positive weight too. In conclusion, the proposal will make an early and positive contribution towards net zero targets and mitigating the impacts of climate change through the radical reduction in greenhouse gas emissions. This should be afforded significant weight. Other benefits of the scheme include increasing energy security, high levels of biodiversity net gain, and landscaping to support climate change adaptation and carbon sequestration. These matters should be afforded positive weight in favour of granting the scheme. If any harmful impacts are found, it is clear from the developer's submission and national policy that the council can and should work positively and proactively to address these issues so as to approve the scheme. Where issues cannot be fully addressed, they ought to be minimised ahead of exercising a planning judgement.

WC Archaeology – No objection subject to condition:

First response: initial concerns –

Following early consultation with the Archaeology Service, the applicant has submitted with their application, three reports that evidence the presence of archaeological remains within the red line boundary of this site. These reports comprise:

'Heritage Desk-Based Assessment' report, Cotswold Archaeology, November 2023
'Geophysical Survey Report' Magnitude Surveys, April 2023
'Archaeological Evaluation' report, Cotswold Archaeology, October 2023, revised January 2024

These reports provide an understanding of the archaeological remains that are likely to survive within the site, their significance, and the likely impacts of the proposed development upon

them. The desk-based assessment report concludes that the site has a high potential to contain buried remains of prehistoric and Roman date. The geophysical survey confirmed the presence of widespread buried archaeological remains comprising enclosures, field systems, a trackway, a possible ring ditch and possible extraction pits. The field evaluation, undertaken through trial trenching, principally established the presence of residual earlier prehistoric worked flint, a possible enclosure of later Bronze Age date, two other poorly dated enclosures, a series of poorly dated trackways, field boundaries and lynchets, a possible post-hole structure and several other isolated features. The archaeological features were generally shallow, contained few artefacts, and showed signs of being denuded from long term ploughing. The programme of archaeological assessment has not revealed any remains of such significance that they would provide an over-riding constraint on the proposed development of this site as a solar farm. Most of the buried remains identified are typical of a chalk downland landscape and are not of high significance. The below ground impacts of the proposed development of the site as a solar farm could therefore be mitigated by a suitable programme of archaeological work. The applicant also notes in their Planning, Design and Access Statement (Para. 8.69) that the proposed development will remove the site from arable use thereby reducing the impacts on buried remains from arable cultivation and the effects of modern ploughing and this is acknowledged. However, there are two monuments that are of sufficiently higher significance that they would merit removal from the scheme to ensure their preservation.

1. The well-formed, near-square, enclosure in Trenches 10, 11, 63 and 69, included a pit containing the majority of the prehistoric pottery recovered from the evaluation. This is the most pronounced and best-preserved feature identified during the evaluation and seems to date to the Late Bronze Age (1,000 – 800 BC). Its purpose remains unclear, perhaps more likely a stock enclosure, but possibly a funerary barrow or mortuary enclosure.

2. The site access from Wellhouse Farm to the proposed site crosses the site of two ring ditches (heritage asset 19 in the desk-based assessment report, see Fig. 3). These almost certainly indicate the presence of the buried remains of two Bronze Age funerary round barrows.

Modest redesign of the proposals should take both of these monuments outside of the proposed development, including any cabling or other works, thereby ensuring their preservation. This would meet the applicant's stated aim at pre-application stage '...to identify areas where significant buried archaeological remains may be located. The clear preference will be to avoid direct impacts wherever possible by avoiding development on these areas'.

1. As regards the near-square enclosure, this sits astride an existing hedge line with vehicular access provided on either side, leaving only a small portion of this enclosure within the footprint of the solar array. There would therefore need only be a very modest reduction in the footprint of the solar array to exclude all of the enclosure from the proposed development area, as has been taken into account for the tree root protection zone of the mature tree on the hedge line a little to the south.

2. As regards the possible Bronze Age round barrows, the line of the access road should be revised to avoid impacting on these features. The 'Planning, Design and Access Statement' does suggest (Para. 8.69) that the depth of the strip for the construction of the access track would be limited but it would still be preferable to modestly realign the access track to avoid any impact altogether. If these revisions to the overall design can be made, I would be satisfied that all other archaeological impacts could be mitigated by a suitable programme of archaeological work, should this application be permitted. This can be secured by a suitably worded condition and the following is recommended:

No development shall commence within the area indicated by the red line boundary on Low Carbon's Site Location Plan, Drawing No. SP-01, Revision 03, dated 13 November 2023, until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the Local Planning Authority.

a) The programme of work will include on site investigation in areas of archaeological interest and in areas of the most significant ground disturbance from the development,

b) and a programme of post-investigation assessment, analysis, reporting, publication and archiving commensurate with the significance of the archaeological results. This part of the condition shall not be discharged until these elements of the programme have been fulfilled in accordance with the approved details.

REASON: In order to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible in accordance with Paragraph 211 of the NPPF.

The programme of archaeological work is likely to include the archaeological investigation of areas of archaeological interest that might be particularly susceptible to the impacts of the proposed development, such as the possible Middle Bronze Age (1,500 – 1,100 BC) post-hole structure in Trench 22 and the other square enclosure in Trench 68, alongside archaeological monitoring and recording of other elements of the development, such as the stripping of the access tracks and the site of the inverters and substation. The Archaeology Service should be reconsulted once a revised development layout has been put forward, excluding the Late Bronze Age square enclosure and two ring ditches/barrows from the development.

Second response: No objection subject to conditions with the following comments received

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Thank you for informing Wiltshire Council's Archaeology Service of the submission of a 'Written Scheme of Investigation for an Archaeological Excavation' (Cotswold Archaeology, dated 26 March 2024), which sets out a programme of archaeological work to mitigate the impacts of the proposed development. Further to my comments of 21 January 2024, I can update my advice as follows. I have reviewed the WSI and sought some revisions to it, which Cotswold Archaeology have now made to the submitted document. The revised document (dated 26 March 2024) is now acceptable. Cotswold Archaeology has therefore submitted a further revised version of the document to me, and I have submitted this to you under separate cover. You will note that Paragraph 4.2 of the document states: 'It is assumed for the purposes of this document that access tracks and the construction compound will be built up and will not involve any below ground impacts. However, it will be incumbent on the solar farm's design/construction team to provide evidence to the Planning Officer and WC's Archaeological Advisor well in advance of any proposed construction timetable, of the design and form of the no impact access road construction (and compound), to be approved or otherwise by the Archaeological Advisor to WC. If the construction design to be implemented fails to satisfy the Archaeological Advisor of its no impact approach, this WSI will need to be updated/amended by way of an Addendum and new mitigation measures outlined for planning, to be approved by the archaeological advisor for Wiltshire Council.' It may therefore be appropriate that construction details of the access track and construction compound are secured by a suitably worded condition. Further to my advice of 21 January 2024, I therefore recommend two conditions as follows:

Condition 1 - The proposed development shall only be undertaken in accordance with the 'Written Scheme of Investigation for an Archaeological Excavation' prepared by Cotswold

Archaeology, dated 26 March 2024, reference AN0851, unless otherwise agreed in writing with the Local Planning Authority.

Condition 2 - No development shall commence within the area indicated by the red line boundary on Low Carbon's Site Location Plan, Drawing No. SP-01, Revision 03, dated 13 November 2023, until the construction details of the access track and construction compound have been submitted to and approved in writing by the Local Planning Authority.

REASON: In order to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible in accordance with Paragraph 211 of the NPPF.

WC Landscape – Comments received stating:

The LVA concludes there is no real impacts on the setting or views from within the AONB/NL and minimal effects to the wider SLA. Landscape and visual effects are very localised and I think they can be mitigated successfully so I will not be objecting to the proposals. The planning application is accompanied by a Landscape and Visual Appraisal. It has been prepared by qualified landscape architects and follows current best practice and published guidelines. It is appropriate and proportionate to the scale of the development. The LVA rightly assesses that the impacts to the fabric of the site and its inherent landscape character will experience harmful effects through the change of use from an agricultural field to a solar array. This harm is technically temporary and reversible if, at end of life, the solar farm is fully decommissioned. The landscape mitigation strategy will introduce new elements of planting which will provide positive outcomes through the enhancement of landscape character and biodiversity beyond the lifespan of the array. The ZTV illustrates that the site has a relatively low visibility in the wider landscape. As described in the LVA the site is visually contained by topography (Homington Down) to the south and south west preventing views from the AONB/NL. The tree belt along Salisbury Road screens views from the northern boundary. The openness of the site extends views eastward towards Harnham from where views of Bake Farm solar array are possible. However, the planting of a new hedgerow with trees along the north eastern boundary of the site will considerably filter views once established with a moderate/minor adverse level of residual effect. The local footpath BRIT13 that crosses the site will be contained within a green corridor between the existing and a newly planted hedge which will reduce the developments visibility with a moderate/minor adverse level of residual effect.

WC Highways – No objection subject to conditions with comments stating:

The site is bounded to the north by the A354 Salisbury Road with access to be provided from existing vehicular accesses served by Homington Road to the east of the site. This section of Homington Road is relatively straight with good forward visibility. The road is generally of adequate width for two cars to pass but the larger construction and delivery type vehicles may create some issues. There are very few passing places and there is a concern that vehicles will over-run the highway verges and damage the surface. A full photographic survey is therefore required prior to commencement clearly showing the edges of road and verges on both sides from the junction, and including the junction, with the A354 to the site entrances. This should be submitted to the Local Highway Authority together with a commitment to repair and make-good any damage identified to the road and/or verges for the duration of the construction period. The submission of a Construction Management Statement is also necessary prior to commencement, which should include details of how access will be maintained and managed for existing users of Homington Road during construction having regard to the restricted width and limited passing opportunities. The operational access will

be provided by an existing agricultural field access around 600m to the south of the construction access. The local highway network is adequate to accommodate the infrequent vehicle trips associated with the operation of the site. Some improvements will be made to the access to achieve appropriate sight lines and the gates should be setback to allow vehicles to pull off the highway for the gates to be opened. The Rights of Way Officer should be consulted for a view on the impact of the PROWs identified as BRIT12 & BRIT13.

WC PROW – No objection with comments received stating:

As Sailsbury expands it will increase usage of the Public Rights of Way Network and the pressure on the existing Rights of way as more get subsumed into the developed area. For this reason, I would request that the applicant dedicates a new Bridleway starting opposite BRIT14 and linking to BRIT13 this will improve the Public Right of Way network by linking two Public Rights of Way. The whole length of BRIT13 should be dedicated as a bridleway with a width of 4 meters. I note that whilst the solar farm is now smaller in size it was previously going to include land further to the West which would have come close to Public Footpath CBIS4 It would be a nice benefit to the public if a new Bridleway could also be dedicated from opposite BRIT14 to proceed west to meet up with CBIS4 and for this route to have a dedicated width of 4 meters. All ditches will need to be culverted with a usable width of 4 meters to make manoeuvring over them as easy as possible for any equestrian users. The development is likely to have a life of 40 years I would also request that £40,000 is provided as a section 106 agreement for the Countryside Access officers to spend on Improvements to the Public Rights of Way network within 5km of the site. This money should be index linked and paid prior to commencement of the development. The addition of the Bridleways and upgrade of BRIT13 to Bridleway within the site would help to improve future connectivity of the Public Rights of Way network especial given that just over 1,000 meters North of the site is a large residential estate currently in build.

WC Ecology – No objections subject to conditions – comments detailed in full within the report

WC Drainage – No objections subject to conditions

WC Public Protection – No objection with comments received stating:

I have considered the Noise Impact Assessment and Glint and Glare report in regard to residential receivers. There are no adverse comments to make regarding these reports.

WC Conservation – No comment to the proposal with the following comments provided:

I do not consider that the proposals will have an impact on the setting of any heritage assets and as such, have no comment to make.

WC Tree Officer – No objection subject to a condition imposed around works being carried out in accordance with the submitted arboricultural reports.

Historic England – No comment but suggest you seek the views of the Council's Conservation and Archaeology Teams

Natural England – No objection subject to conditions

AONB/NL Partnership – Objection with comments received stating:

The proposal appears to be for a permanent permission covering some 40ha of arable land to install solar panels with a height of 3m to create a solar farm generating around 49MW of

electricity with associated sub-station, inverter, and control 'cabins' together with security fencing and pole mounted CCTV cameras. In simple terms, the application is to convert, permanently, grade 3a farmland to industrial, power station, use in the setting of this National Landscape. However, the proposal does not appear to include the connection to the electricity grid, and the 'Point of Connection' is shown as being on the western side of Homerton in this National Landscape and involving crossing the River Ebble. That crossing would either risk significant visual intrusion to the river valley by overhead cables or disturbance to the river and associated wetlands by an underground route. I hope you are aware of the recent changes to the duty of regard, s.85 CROW Act 2000, brought about by the s.245 of LURA 2023. The effect, in England, is that relevant authorities – including Wiltshire Council – when carrying out any of their functions that affect land within a National Park, the Broads, or an Area of Outstanding Natural Beauty 'must seek to further the purposes of designation'. The purposes of designation are conserving and enhancing natural beauty, and the inclusion of 'affect land within' includes activities in the setting of the designated area. That means the amended duty applies to the consideration of the current application. I may have mentioned previously that in connection with solar farm developments this NL / AONB team has observed that in practice the glare from field scale PV panels is obvious in the landscape over much greater distances than the applicants / developers assert. For example, the Canada Farm development west of Blandford appears as a light glassy intrusion in the verdant hillside from the road and area around Badbury Rings some 11 km to the south east. In relation to the current application, which is on land that faces southwards to this AONB, a number of roads and public rights of way direct views towards the site. I have, therefore, looked with particular interest at the Glint and Glare Study and the LVA submitted with the application. As I am confident you will be aware, in addition to the very different appearance of frame mounted solar panels from the front and rear [although both are particularly industrial], the inverter and sub-station 'cabins' are rigid rectilinear structures that do not sit well in the rural scene. Fundamentally, solar farms do not conserve and enhance natural beauty, as identified in our adopted Management Plan [Wiltshire's policies for this designated area] and Position Statements. NPPF [Dec 2023] 183 is clear that major development should be refused in a NP, the Broads, or AONB other than both in exceptional circumstances and where the development is in the public interest. Although the proposed development is just outside this NL / AONB, the revised s.85 duty means the LPA has to actively seek to conserve and enhance natural beauty and, therefore, allowing harm to the NL / AONB would be contrary to that revised statutory duty. The Glint and Glare Study by Pager Power claims to assess the effects in relation to aircraft and airfields, roads, and domestic properties. However, the consideration of residential properties does not include dwellings on the rising and higher ground in this NL / AONB, or the glare that would be experienced by users of the PROWs, tracks, and roads within this NL / AONB which direct users' views towards the site when travelling northwards. Views of the rear of the panels are considered in relation to traffic on the A354 between Coombe Bissett and Salisbury, and aerial and ground level photographs are provided, Fig 17 – Fig 24. However, the dual carriageway shown in Fig 18 does not exist on that section of the A354, I have not seen the wide junction with a traffic island shown in Fig 22, the wide verges shown in Fig 21 do not exist near Coombe Bissett, and the views in Fig 20 and Fig 19 do not show the mature Beech trees that exist on both sides of the A354. Clearly if assessments have been made using these inaccurate photographs they cannot be regarded as competent or valid. Moreover, the fact that wrong photographs have been used, and not identified when the report was internally reviewed, means no confidence can be had in that report as a whole. As mentioned above, and contrary to assertions from the industry, solar farms do appear as an extensive light glassy glare that is an alien intrusion into the rural scene. That would be an adverse impact on this nationally designated area. Doubtless you will have noticed that despite being advised to provide an LVIA with the application, the applicant has submitted an LVA. There is, therefore, little focus on the impacts of the proposal. The assessments have been in spring and summer when the trees and hedges are in full leaf, thereby providing maximum screening. That is, of course, not the 'worst case scenario' of winter time by which the visibility of potential development should be judged. Furthermore, the consultants consider a 15 year time frame for mitigation to be

achieved, which is not avoiding or minimising the adverse impacts as required by NPPF [Dec 2023] 182. The area of search for the LVA seems somewhat conspicuously not to include the Open Access Land, PRoWs and tracks on the slopes of this NL facing northwards towards the site and in the 1-2km range from it. Users of those PRoWs and tracks [unclassified and D class roads] would be facing towards the site for considerable lengths of their journey. Open Access areas are, as described, open areas that often provide extensive views of the surrounding countryside. It is also noticeable that many of the plans terminate just south of the road between Coombe Bissett and Homerton, thereby excluding that rising ground, PRoWs and tracks within this NL. It seems highly likely that large parts of the proposed development will be clearly visible in those views from this NL. Indeed, photos from vps 6 and 7 show the significantly smaller Bake Farm installation clearly, and demonstrating the unnatural glare from the surfaces that attracts attention to the development. Whilst the consultants have considered a couple of viewpoints much further away in this NL, those locations are back from the brow of a hill whence more revealing views would be gained or behind existing woodland. The selection of those points does not facilitate the consideration of the 'worst case scenario' and could be interpreted as seeking to minimise the extent of impacts on this NL. The photographs also appear to rely upon hedges or trees being in leaf to screen the site, and there is no indication that the applicant has any influence over the long term maintenance or existence of off-site planting. The appropriate taking of a tree crop or windthrow of an overmature tree belt would expose the proposed development. That could, for example, apply to the mature tree belt in vp 8 photograph. It also appears that the location and extent of the proposed development is incorrectly indicated on that photograph. The A354 coming out of Salisbury is recognised as the entry route to this NL; and that was emphasised in a number of the comments made at the pre-application exhibition in Coombe Bissett village hall. It is, therefore, disappointing that the LVA does not include the appearance of the proposed solar farm from that route. It is particularly disappointing as that was also a consideration when the Bake Farm development was proposed, and the extent of that development was modified and withdrawn from the field adjoining the road to facilitate an approval. The Beech trees beside the A354 are noted in plan annotations as providing screening of the proposed development from the north. However, there is no evidence that those trees are in the control of the applicant and could, therefore, be managed as a permanent screen in the long term. Recent history indicates that those trees are reaching a stage where they may need management work or replacement. It seems unwise to rely on screening that cannot be guaranteed by the applicant. As you are aware, the PPG emphasises views to and from AONBs when considering the impacts of development in the setting of AONBs [NLs]. The LVA is, therefore, not correct in its conclusions, paras 7.44 – 7.51 that there would be no effects on this AONB / NL. It is especially worrying that such a sweeping conclusion has been drawn when extensive and significant areas of this NL in the southern arc from the site have not been evaluated. Vp 4 is one of the closest to the site and the LVA assessment seems to understate the scale of impact. The green fields would be completely changed to an industrial power station, so it seems more than an understatement to suggest that the magnitude of change would be medium and impact would be very low or negligible. This seems typical of the LVA which seems to downplay impacts by at least one category. Furthermore, as I have already indicated, it is not appropriate to have to wait 15 years for the mitigation of a development in the setting of a NL / AONB to achieve the necessary screening. I disagree with paras 7.44, 7.45, and 7.46. There is intervisibility between the AONB / NL and the site but the applicant team have not investigated important and extensive areas of this nationally protected area. Because there is no evidence of those areas being assessed the statements in 7.45 are just assertions. Similarly, and taking guidance from NPPF [Dec 2023] 182 and PPG 042 [Natural Environment], a major development of the scale and nature proposed would impact adversely on this AONB / NL. To clarify and correct 7.47, the setting of the nationally important and nationally designated AONB / NL is protected by NPPF 182 and PPG 042, the SLA is a local designation of landscapes of local importance. The conclusions significantly understate the impacts on the AONB / NL, and, despite being highlighted in pre-application advice, there is no cumulative assessment considering other

developments, including Bake Farm. As can be easily noticed in the photos of vps 6 and 7, there would be cumulative impacts, not just with the physical development of a greenfield site but also the almost continuous glare from two solar farms creating a distracting and discordant visual intrusion over an extended area. There are statements in the submitted documents about the reversibility of the proposals, but as the application is for a permanent development that reversibility is not a material issue. Furthermore, there is a fundamental misunderstanding about the AONB Position Statements in that they are not superseded by the Management Plan, but they supplement the Management Plan and are endorsed by our Board of Partners. It is, therefore, wrong for the applicant team not to take heed of our Position Statements, particularly in relation to Renewable Energy and Field Scale Photovoltaic Panels. Landscapes and Planning Publications - Cranborne Chase National Landscape Whilst there might be a case for a smaller proposal in the southern part of the current site, that would need to be accompanied by assessments of views from this NL / AONB including sections to demonstrate that the topography and not vegetation screens that reduced site from views out from this NL / AONB. The connection to the grid would need to be considered at the same time as that could have negative impacts which could influence the overall acceptability of a proposal. Nevertheless, for the reasons set out above, this NL Partnership cannot support the current application. It is mindful that the application does not comply with AONB Management Plan policy PT16 as it does not integrate with landscape character, there is not the evidence to demonstrate that it would not be visually intrusive to the setting of the AONB / NL or impair views from it, and it does not appear to be appropriate in scale bearing in mind the likely cumulative impacts. The Partnership therefore objects to the application as submitted.

UPDATE:

I read from the revision table at the start of the document that a number of the photographs have been corrected. However, if the assessments were based on the previous photographs how can anyone have confidence the unchanged assessments are even vaguely accurate? I also note that in 6.3.2 Table 4 the assessment of screening of glare and glint from the A354 by intervening vegetation is only desk-based. That seems a rather relaxed way of determining a key parameter as being 'No Impact'. Furthermore, that approach does not even appear to take the winter-time, no leaves on the trees, situation as the worst case baseline which is, as you know, the accepted approach to landscape and visual impact assessment. The report commits quite a lot of space to aerial impacts of glare and glint, and the location of airfields, whilst giving prominence, page 65, to the fact that there is a national statement that there is no evidence that glare or glint interfere in any way with aviation navigation or pilot and aircraft visibility or safety. The purpose of such effort seems strange when 'Therefore, the Secretary of State is unlikely to have to give any weight to claims of aviation interference as a result of glint and glare from solar farms.' The ground based assessment area shown in Fig 5 extends to only 1km from the site and, again, the assessment of glare and glint impacts on residences is only desk-based without any empirical evidence of the screening effect of vegetation or the season of the year when screening could be effective. It seems overly enthusiastic to suggest there would be 'No Impact' on the residences with that lack of definitive evidence. The commissioners and authors of the report appear oblivious of the potential impacts of glare and glint on this nationally designated National Landscape, its purposes of designation, and the sensitivity of those who use the PRoWs and unclassified tracks / roads with a reasonable expectation of not encountering either industrial scale energy generation or the side effects of that. There is no further assessment of the glare or glint impacts beyond the airfield, A354 road, and residences with 1km. That is a significant gap as this NL team can point to the unusual appearance of the Canada Farm solar farm in Dorset appearing as a glassy and alien feature in an otherwise verdant landscape from 11km distance on the B3082 near Badbury Rings. Both the visibility and glare / glint issues do need to be evaluated from more than 1km from the site and in the context of one of the nation's most sensitive landscapes. It is also relevant to consider the application of s.85(A1) of CRoW Act to the applicant as a generator / supplier of electricity. The applicant should be seeking to further the purposes of NL / AONB

and the various reports studiously avoiding the location of the NL / AONB and the potential impacts of the proposed development on the NL / AONB indicate that s.85(A1) is not being complied with. In conclusion, the amended Glare and Glint Report does not cause or enable the Cranborne Chase National Landscape Partnership to change its stance on the application; it cannot support it.

8. Publicity

The application has been advertised by way of letters to near neighbours of the site, press notices and site notices. The publicity has generated 67 letters of objection and 3 letters of support. Representations (objections) have also been made by CPRE.

Objections summarised as the following:

- Impact on the Special Landscape Area;
- No battery storage facility is proposed;
- No point of connection that will require a further planning application;
- No consideration of alternative sites;
- No connection to the National Grid;
- Flood risk to surrounding areas;
- Ecological Impacts/loss of wildlife habitat;
- Precedent for future development;
- Loss of agricultural land;
- Solar Farms are highly inefficient;
- Proposed would have an urbanising effect on the landscape;
- Outdated solar equipment proposed;
- Overload of un-necessary information accompanying this submission;
- Lack of an Environmental Impact Assessment (EIA);
- View of proposed site will be far greater to that of Bake Farm Solar Park;
- Wiltshire Council's solar uptake exceeds that of other counties;

Letters of support summarised as follows:

- The Solar Farm will help Wiltshire Council and the UK meet renewable energy and carbon targets;
- The Solar Farm is completely reversible at the end of its life;
- Increase wildlife habitats and biodiversity;
- The site can be used for traditional meadow management designed to benefit both food production and biodiversity

CPRE representation as follows:

Objection with comments received stating:

On behalf of the CPRE South Wiltshire group I object to this application.

The installation would comprise the following (Design & Access statement):

Rows of solar photovoltaic ('PV') panels;
Inverters within shipping containers (or similar);
O&M building;
Spare parts container;
Cabling and substations;

*Internal access tracks;
Perimeter fence and internal fencing; and
CCTV cameras.*

It would obliterate a very large area of beautiful countryside with highly visible industrial panels and ancillary equipment; render a large area of the Best and Most Versatile agricultural land unusable for agriculture; have a damaging effect on the Cranbourne Chase National Landscape (AONB); and be contrary to Wiltshire Council's policies as in its adopted Local Plan (2015).

CPRE stance

CPRE supports renewable energy solar installations in principle but contends these must be on rooftops or on brownfield/industrial land, not greenfield sites. We estimate there is enough appropriate commercial roof space for solar panels to meet half the UK's electricity demand (CPRE's Position on Solar Energy 2022. This would avoid loss of agricultural land and wildlife habitat due to large industrial installations such as Beech Tree Farm. We agree a balance must be struck but we contend that in this case the creation of the solar farm proposed is disproportionately harmful to the loss of quality agricultural land and the intrusion into a sensitive landscape industrialising its character near a dense centre of population.

Agricultural land

This large photovoltaic array would occupy 40.4 ha of Grade 3a (49%) and 3b (51%) agricultural land. Grade 3a is a "best and most versatile agricultural land" classification. The application acknowledges that the grades are distributed unevenly and it would be difficult to separate the use.

The NPPF (para. 180) is clear that planning decisions should contribute to and enhance the natural and local environment by recognising the economic and other benefits of the best and most versatile agricultural land. Footnote 62 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. There is no indication in this application that the use of an area of poorer quality land has been considered.

Landscape

The government itself points to the adverse impact that large scale solar farms can have on landscape and that proposals in areas close to Areas of Outstanding Natural Beauty need careful consideration. [Gov Guidance Renewable and low carbon energy Paragraph: 007 Reference ID: 5-007-20140306]. The application is not consistent with Wiltshire County Local Plan (Adopted 2015). In Core Policy 51: Landscape the very first sentence reads: Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character.... The policy also says: Proposals for development outside of a National Landscape (AONB) that is sufficiently prominent (in terms of its siting or scale) to have an impact on the area's special qualities (as set out in the relevant management plan), must also demonstrate that it would not adversely affect its setting (my bold text). This policy reflects the NPPF (2023) paras. 180-183. The Local Plan says, further, 'Development within the Community Area [of South Wiltshire] will need to conserve the designated landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty and its setting, and where possible enhance its locally distinctive characteristics' [para 5.126]. Core Policy 42 deals specifically with standalone renewable energy installations. Proposals will be supported subject to satisfactory resolution of all site specific constraints including the landscape, particularly in and around AONBs, and Best and most versatile agricultural land. These constraints have not been resolved for this application;

therefore it should be refused. Wiltshire Council is party to the management plan for the National Landscape (AONB) and therefore is not able to approve this application. This large pv array is close to the National Landscape (AONB) and would adversely affect its setting. Viewers looking from the array into the National Landscape (AONB) would be affected by awareness of this large industrial site. Indeed from the public right of way through the centre of the site they would be pushed to see countryside at all through the array of 3m high panels. Looking from the National Landscape (AONB) the large array, cabins and fencing would be highly visible. For these reasons CPRE South Wiltshire Group objects to this application and requests that it be refused.

9. Planning Considerations

9.1 Principle of development including the 'Rochdale Envelope Principle'

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 conflict identified with development plan policy must be attributed the appropriate weight in consideration of the planning balance.

Turning to the development plan (the WCS), the site lies within countryside and Core Policy 42 of the strategy supports the development of 'standalone renewable energy installations', subject to the identified criteria. In particular, proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and taken into account:

- 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 Use of the local transport network*
- VI. Residential amenity, including noise, odour, visual amenity and safety*
- VII. 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 a National Landscape (formerly known as the AONB) but is within the setting of the Cranborne Chase National Landscape (CCNL). The application is accompanied by a Landscape and Visual Assessment that has assessed the impact of the proposed on the setting of the CCNL (former AONB). As such it is considered that points i, iv, v, vi, vii and viii should carry the greater consideration and will be covered within 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 in the NPPF. Paragraph 157 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, as is set out in the Council's Climate Strategy Delivery Plan 2022-2024.

Paragraph 163 of the NPPF states, 'When determining planning applications for renewable and low carbon development, local planning authorities should:

- *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*
- *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 principle 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.

Rochdale Envelope Principle –

The Committee's attention is drawn to the 'Rochdale Envelope Principle'. This principle, which is accepted in planning case law, allows for design flexibility through the assessment of maximum design parameters and worst-case environmental impacts in the early design phase, and so ensures that development maximises efficiency at the detailed design stage.

The 'Rochdale Envelope' is proposed with this application. All environmental impacts by way of the proposal have been assessed adopting the principles of the Rochdale Envelope. This approach involves assessing the maximum (and where relevant, minimum) parameters for the elements where flexibility is required, in order to assess a worst case scenario. For example, the solar panels have been assessed for the purposes of landscape and visual impact as being a maximum of 3-4 m in height (above ground level), with the upper figure used in areas at highest risk of flooding; however it is actually possible that the majority of panels could be lower.

As a general design principle for the ground mounted solar, the layout would be based on bifacial panels fixed onto a fixed mounting system, running east to west and orientated to the south. Bifacial panels are photovoltaic cells that can produce electrical energy when illuminated on either side of the surface. This approach also involves defining development zones (see submitted plan DWG No: DZ-01 Rev 06), rather than having a defined layout, which represents one way in which the site may be developed and sets the parameters for where

the infrastructure may be located on site. This would then allow any contractor opportunity to optimise the layout of the site rather than be bound to a precise layout.

The Rochdale Envelope approach is supported within National Policy Statements (NPS), specifically in Overarching NPS for Energy EN-1, January 2024, paragraphs 4.2.11 and 4.2.12; and the NPS for Renewable Energy Infrastructure EN-3 January 2024, paragraphs 3.6.1 and 3.6.2. The NPS are a material consideration to be taken in account in the determination of this application.

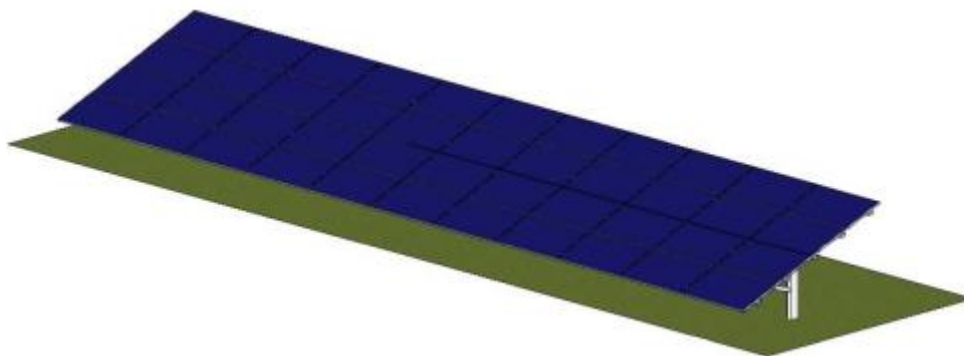
An example (not in Wiltshire) of an appeal case where this approach (the Rochdale Envelope) has been accepted is Land west of Thaxted, Cutlers Green Lane, Thaxted (APP/C1570/W/23/3319421) (allowed Dec 2023) – The Inspector was satisfied with the Rochdale Envelope approach noting:

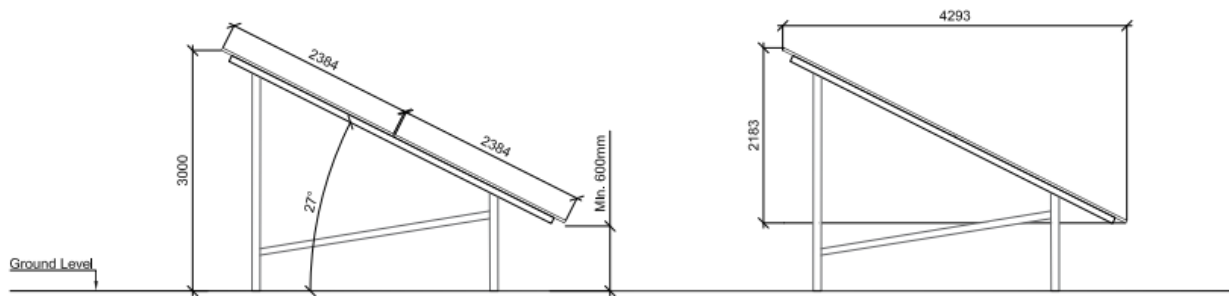
An indicative site layout has been submitted within the Development Zones, but these could be subject to change at the detailed design stage. The approach allows some flexibility in the final design and siting of elements of the development. This is a reasonable approach in light of the evolving technology involved and that a contractor has not yet been appointed for the development.’ Appeal decision para. 11 -

A copy of this appeal decision is included within this report as an annex. On the basis of the above in the context of this proposal, noting the recent appeal decision on the Rochdale Envelope approach and the principle acceptability of this proposal in local and national planning policies, officers recommend to members that this approach is acceptable.

As previously alluded to, the submission of this application does not provide all of the design details of the proposed development as a final investment decision will need to be undertaken by the applicant should members be minded to approve. In the absence of this, the application seeks to incorporate sufficient design flexibility in terms of the dimensions and layout of the structures that include the precise layout of the site and height of the solar panels.

The solar PV panels would be laid out in rows running from east to west across the site with an approximate gap of 3-4 metres within each row. The panels would be mounted on a frame and installed using spiked foundations approximately 1-2 metres deep. An example of a row of solar panels is shown below along with drawing DWG No: SD-39.4 that shows the height of the solar panel array to be 3 metres.





The proposal would involve a number of inverters and transformers within containerised units similar to shipping containers that would measure approximately 12.2 m long by 2.5 m wide by 2.9 metres high, each sited upon a concrete base. The details of this are shown on plan DWG No: SD-08 Rev 02. A 'customer' substation is also proposed and would measure approximately 10 metres long by 4 metres wide by 3 metres high and a DNO substation is also proposed that would measure approximately 8 metres long by 5.4 metres wide by 4.1 metres high and would both be sited on concrete bases. Drawing references DWG No: SD-14 and SD-15 show these details.

There are a number of ancillary buildings also proposed to be sited within the site that form associated infrastructure for operation and maintenance of the solar farm. These include an O&M Building and Spare Parts container with both containers measuring approximately 6.7 metres long by 3.1 metres wide by 2.9 metres high and would be sited on concrete bases. Drawing references DWG No: SD-33 and SD-36 show these details.

In terms of security of the site, deer fencing (mesh with wooden posts or similar) to an approximate height of 2 metres is proposed to surround the outer edges of the site with wooden supporting posts approximately 3.5 metres apart. The fencing would be sited inside the outermost hedges/trees/vegetation ensuring the fencing is visibly obscured with access for maintenance. Gates would be installed at the access point for maintenance purposes. The perimeter of the site would be protected by a system of CCTV cameras, sited on poles of up to 3 metres in height at spaced intervals.

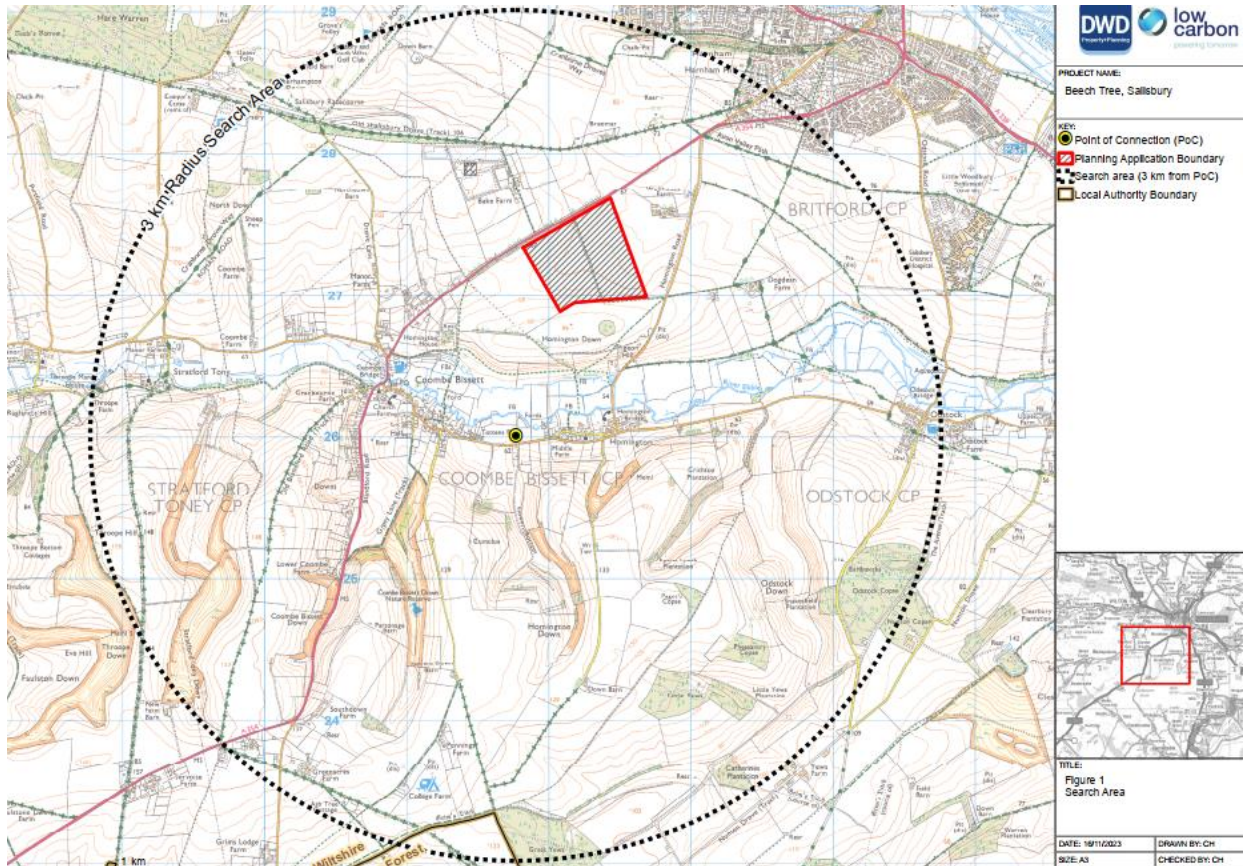
9.2 Decommissioning and restoration of site

At the end of the lifespan of the proposed development, all equipment including the solar panels and associated infrastructure equipment are to be removed and the site is to be restored to its former condition. As most of the land is to be retained as grassland, the restoration of the land would be more favourable in comparison to more intrusive development such as large buildings requiring significant foundations.

The restoration process to ensure the land is restored to the same quality as previously can be secured via an appropriately worded condition associated with any planning permission.

9.3 Site selection and the loss of best and most versatile agricultural land

The application is accompanied by an Agricultural Land Classification (ALC) report, prepared by an experienced soils expert. The application is also accompanied by an Alternative Site Assessment (ASA) report that has been undertaken by the applicant/agent in order to inform the viability of the site and availability of the grid connection. The search area was defined by a 3km radius from the point of connection (POC) which is considered suitable for a solar farm of this capacity and included an area covering parts of Wiltshire Council and New Forest District Council. This is shown in the map below.



The site comprises of a mix of 49% Grade 3a (Good Quality) and 51% Grade 3b (Moderate Quality) agricultural land. The search area comprised predominantly Grade 3, and to a lesser extent, Grade 2, Grade 3a and Grade 5 agricultural land and urban land. Due to the predominately rural nature of the search area, no alternative sites were identified during the previously developed land search and due to the majority of the search area comprising of Grade 3 agricultural land, two alternative sites to this site were identified. However, both have been discounted due mainly to unsuitable topography presenting a constraint to the installation of a solar farm and associated infrastructure.

Officers note the large volume of written representations raising concerns around the loss of best and most versatile agricultural land. A land classification map below taken from the submitted ASA shows the breakdown of the agricultural land grading.



WCS CP42 (viii) already sought to protect the *best and most versatile agricultural land* but the 15 May 2024 Written Ministerial Statement states that;

‘As is outlined in the National Policy Statement, the starting position for solar PV developers in taking forward Nationally Significant Infrastructure Projects is that applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality’.

‘This means that due weight needs to be given to the proposed use of best and most versatile land when considering whether planning consent should be granted for solar developments’.

It is important for members to note that this is restating existing land use policy which already acknowledges that weight should be given to using BMV agricultural land and the higher the land grade, the greater justification must be given.

As outlined in the ALC report, the majority of the site is not considered to be BMV. Natural England have also confirmed within their consultation response that the quantum of loss is below the 20ha threshold of permanent BMV loss and do not propose to make any comments on this matter.

The ASA also confirms that there is no previously developed or lower quality agricultural land available, and the two identified alternative sites were considered to be less preferable on balance due to topography constraints. The agent for this proposal has researched the DEFRA dataset and confirm that Wiltshire has 322,411 hectares of land. Of this 322,411 hectares, 277,278 hectares have been graded for agricultural quality grades 1, 2, 3, 4 and 5 with the rest classed as urban or non-agricultural. This is based on the DEFRA mapping which does not breakdown Grade 3 into 3a and 3b. Assuming that Grade 3 land is equally split into 3a and 3b this would mean Wiltshire has 148,289 hectares of Best and Most Versatile Land (total of Grade 1, Grade 2 and Grade 3a). The proposal involves the temporary use of 19.9 ha / 0.01% of Wiltshire’s BMV land to power almost 4.5% of Wiltshire’s homes.

The Council’s own mapping system only details that the land is ‘grade 3’ and does not have the detail as to whether its 3a or 3b. DEFRA’s ‘magic maps’ also does not map this specific site. Therefore, the applicant’s submitted ASA statement is considered to be the only available

accurate assessment of the site's agricultural grading. On the basis of the submitted documentation, officers consider that the proposal has sought to minimise impacts on BMV land that will remain undisturbed for the temporary operational life of the development proposal.

9.4 Cumulative Impact of Solar Farms within Wiltshire and Landscape Impacts

It is acknowledged that this recommendation has come before Committee before the government has provided any further guidance following the WMS (and at the time of writing of this report the general election has just been decided with a new government elected). Therefore, Officers have provided their own analysis and consideration of cumulative impacts of solar farms in Wiltshire.

The WMS instructs Local Authorities to –

“When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.”

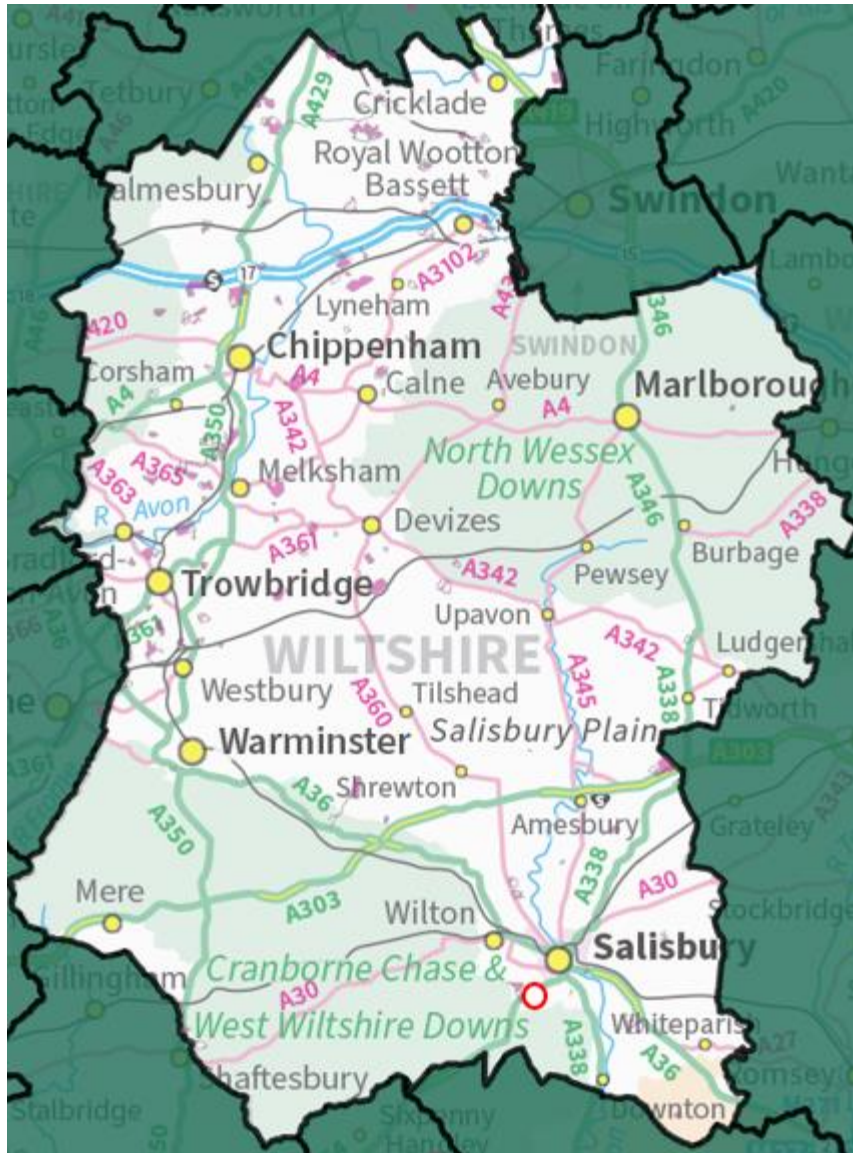
And Wiltshire Council's motion raises concerns that –

“Some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside. Wiltshire Council therefore calls on the Secretary of State for the Department of Levelling Up, Housing and Communities to define more closely what is meant by ‘cumulative impact’ regarding solar farms battery storage and associated infrastructure and to take clear steps to ensure that solar developments are more evenly spread across the UK and not concentrated in specific areas effectively industrialising the countryside.”

The WMS refers to ‘cumulative impacts of several proposals on the same locality’ and although ‘locality’ is not defined, Officers interpret this to mean being in close proximity or the same ‘neighbourhood’ to each other rather than being ‘county wide’. This is echoed by Wiltshire Council's motion as it specifically mentions and offers a definition of its own in that ‘some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside’. Officers interpret that this means that the existing solar farms have only industrialised those specific areas of open countryside rather than the overall open countryside of Wiltshire.

The image below shows the locations and extent of each planning application for solar farms in Wiltshire (in pink) but doesn't distinguish whether those applications were approved or refused. However, it is understood that there are ‘more than 40 working solar farms’ in Wiltshire. In addition to this application there are two other live solar farm applications;

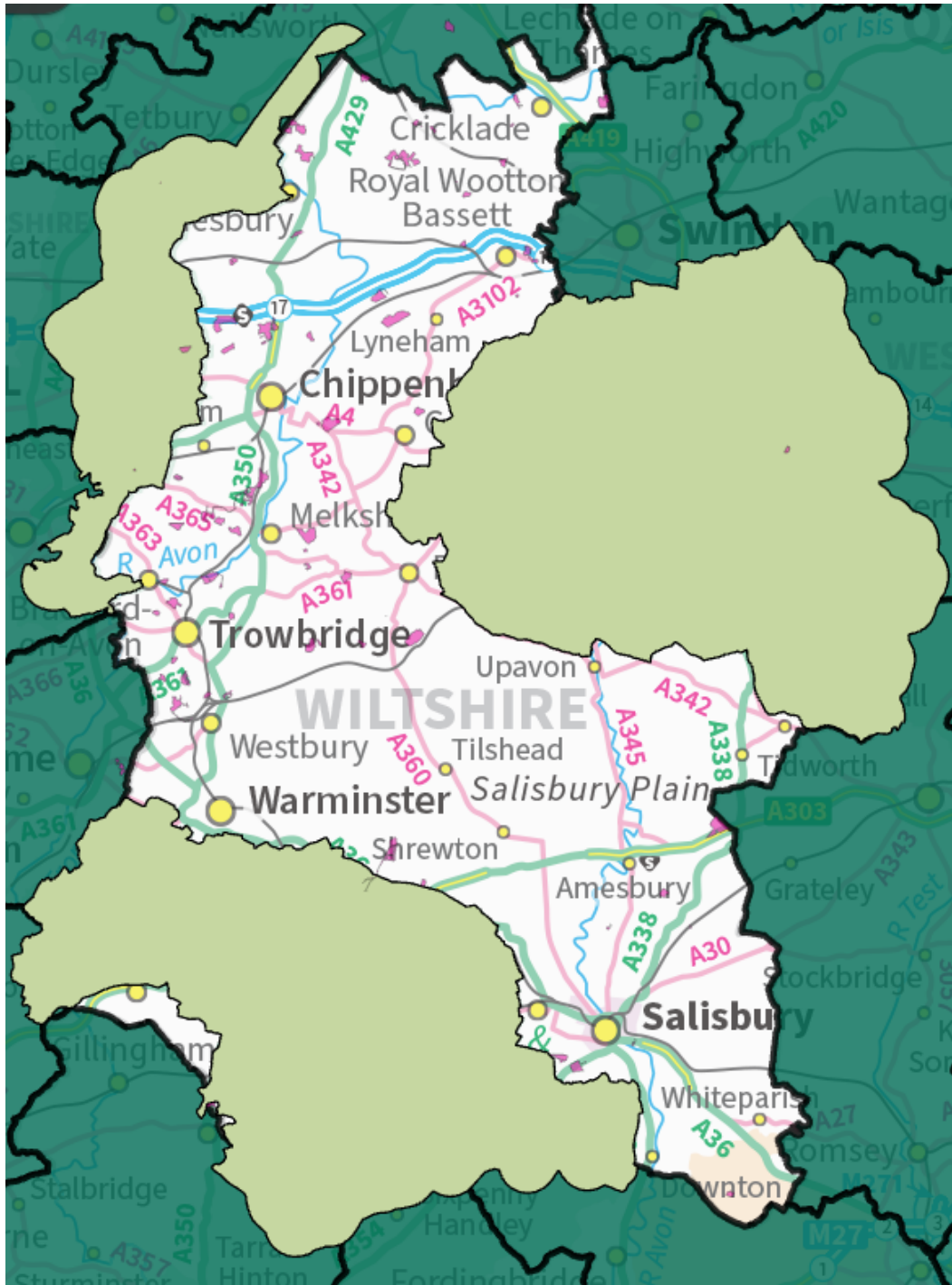
PL/2023/08481 - Land at Red Barn, East of Kington St Michael, Chippenham – 40MW
PL/2023/10332 - Land South of Potterne Park Farm, nr Potterne, Devizes – 49.9MW



Locations of all planning applications for Solar Parks in Wiltshire (Pink infill with the application site and phases 1-3 in the red circle)

It is submitted that the majority of the solar parks are to the north and central western part of the County with very few sites in the east and in the south of the County. The application site is located within the red circle.

It is also submitted that one of the reasons as to why these locations within Wiltshire have been developed is due to the three National Landscape designations (Cotswolds, North Wessex Downs and Cranborne Chase and West Wiltshire Downs), where the image below shows how they have effectively channelled the majority of existing solar parks into the space in-between. There have been limited numbers of permissions within the National Landscape Areas (given permission between 2012 and 2014).



Locations of all planning applications for Solar Parks in Wiltshire (Pink infill) with National Landscapes shown as light green

However, even with the National Landscape restrictions (and Salisbury Plain), the central south and south east part of the County has not had many applications for solar farms.

It is acknowledged that whilst the Council did require an Environmental Impact Assessment (EIA) for this application due to highway impacts (PL/2023/03063); this was only in the context of screening against the EIA regulations. The EIA regulations are not policy to be applied in relation to WCS core policies CP42 and CP51, or to the WMS and the Wiltshire Council motion.

It is submitted that that the southern part of Wiltshire has not seen 'several' applications in the 'locality' and that whilst this proposal would see the development of approximately 40 hectares of land in fairly close proximity to the Bake Farm Solar Farm development to the north of the site, it would not have any discernible or harmful cumulative impact on the open countryside. To further enforce this assertion, the application is accompanied by a Landscape Visual Assessment (LVA) Report and a Glint and Glare Report.

9.5 Landscape and visual impacts

The site lies within a Special Landscape Area as designated as policy C6 of the Saved Salisbury District Local Plan (SDLP). The site falls outside of the National Landscape Cranborne Chase (NLCC) (former AONB) but is approximately 0.8km from the boundary of the NLCC. Officers note the comments and concerns of the National Landscape received during the consultation phase of the planning application. These comments are detailed in full within the consultee response section of this report.

Saved policy C6 of the SDLP states:

"Within the Special Landscape Area, proposals for development in the countryside will be considered having particular regard to the high quality of the landscape. Where proposals which would not have an adverse effect on the quality of the landscape are acceptable, they will be subject to the following criteria:

- (i) The siting and scale of development to be sympathetic with the landscape; and*
- (ii) High standards of landscaping and design, using materials which are appropriate to the locality and reflect the character of the area."*

Core Policy 51 states that:

"Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. This advice is echoed in paragraph 174 of the NPPF."

Core Policy 57 states that:

"New development must relate positively to its landscape setting and the existing pattern of development by responding to local topography to ensure that important views into, within and out of the site are to be retained and enhanced. Development is required to effectively integrate into its setting and to justify and mitigate against any losses that may occur through the development."

Paragraph 180 of the NPPF states;

Planning decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

Notwithstanding the comments of the NLCC, the Council's Landscape Officer has assessed the submissions associated with this application and has no objection to this development proposal.

The received comments refer to the LVA impacts on the fabric of the site itself and conclude that its inherent landscape character will experience harm by way of the change of use from agricultural parcel to a solar farm. However, this change is temporary and the associated landscape mitigation would introduce new planting that positively enhances the area and other matters such as biodiversity. The site is considered to have a relatively low visibility in the wider landscape despite the objections received to the contrary on this matter, and is contained by the topography of Homington Down to the south and south-west preventing views from the NLCC/AONB. The existing tree belt along the A354 screens views of the northern boundary. Whilst the planting of new hedgerow and trees along the north-eastern boundary of the site would take time to establish, the views towards Harnham where views of the Bake Farm solar array are possible would diminish by way of this planting proposed.

As such, whilst the views of the NLCC/AONB are relevant, it is considered that the site is a good location for solar development from a landscape and visual perspective and any impacts can be adequately managed by the following:

- (i) there is adequate mature existing vegetation around the nearby operational Bake Farm Solar Farm and the proposed site to mitigate cumulative effects;
- (ii) the natural screening afforded by the bowl-shaped landform which rises to the north and towards Homington Down SLA and the existing tree belts on the northern and south western boundaries of the site; and
- (iii) considering the comprehensive landscaping scheme proposed that would help to assimilate in time the proposed development into the landscape. The latter including green corridors along the two existing public footpaths, bolstering existing tree belts on the southern and eastern site boundaries, field boundary hedgerow improvements, thus mitigating and minimising the impacts onto these receptors. This is shown by the submitted landscaping scheme DWG No: edp7928_d010 Rev C.

The application site therefore offers something of an opportunity to be able to locate this development (to which there is evidenced need for a lot more capacity by 2050 and to also secure energy security) without causing demonstrable harm to the landscape – and with no received public objections. Therefore, from a countywide cumulative impact perspective, it is not considered that this would add further to those experienced concentrations to which the Written Ministerial Statement is concerned.

In an immediate local context, by way of the bowl shaped topography of the site, the existing and proposed landscape mitigation, any impacts can be suitably mitigated. Officers note the comments of the PROW officer that request a contribution of £40,000 by way of a S106 agreement for the Countryside Access officers to spend on Improvements to the Public Rights of Way network within 5km of the site and the request that the applicant dedicates a new Bridleway starting opposite BRIT14 and linking to BRIT13 this will improve the Public Right of Way network by linking two Public Rights of Way. However, such a request has to be reasonable in terms of context and the development proposal. Officers consider that the financial contribution request and improvement request to the public right of way network by the PROW officer for a development proposal of this type not to reasonable or necessary in terms of the six tests associated with planning conditions.

9.6 Residential Amenity Impacts

Core Policy 57 requires that development should ensure the impact on the amenities of existing occupants is acceptable, and ensuring that appropriate levels of amenity are achievable within the development itself, and the NPPF (paragraph 135f) states that planning decisions should 'create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.'

Given the nature of the development proposal, it would not detrimentally impact on the amenity of the area during the operational stage. The nearest properties to the site are known as Wellhouse Farm, and No's 1 and 2 Wellhouse Cottages. Clearly during construction phase, if approved there would be some impacts on these properties, notably from construction traffic. However, such impacts would be intermittent and temporary in nature.

The application is accompanied by a Noise Impact Assessment and a Glint and Glare Report that have been assessed by the Council's Public Protection Officer and no objection is raised to these documents. Furthermore, the siting of associated infrastructure such as inverters and substations would be away from sensitive receptors. The development proposal would be passive in operation and not generate any significant operational noise. Subject to the imposing of conditions around the landscaping and biodiversity measures required, the retention and protection of the existing PROWs during construction and operation along with associated fencing, any amenity impacts by way of the development proposal would be temporary in nature and would be suitably mitigated. As such, officers consider the proposal accords with the requirement of Core Policy CP57 of the WCS.

9.7 Ecological Impact

CP50 of the Wiltshire Core Strategy and the National Planning Policy Framework require that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

The application has been assessed by the Council's Ecology Team and the following comments are provided:

The application is supported by the following documents:

- *Ecological Appraisal. November 2023. EDP;*
- *Landscape Plan edp7926_d010c. November 2023. EDP;*
- *Development Zone Plan LCS052 DZ-01. October 2020. Low Carbon;*
- *Site Layout Plan External LCS052 PLE-01. October 202. Low Carbon;*
- *Site Location Plan LCS052-SP01. April 2023. Low Carbon;*
- *Shadow Habitats Regulations Report. November 2023. EDP;*
- *Security Fence and CCTV Standard Detail LCS-SD-04.1. February 2023. Low Carbon*
- *Arboricultural Report. November 2023. Tree Heritage*
- *Skylark Mitigation Strategy. March 2024. EDP;*
- *Ecology Technical Note. March 2024. EDP;*
- *Technical Briefing Note. April 2024. EDP;*
- *Framework Landscape Ecological Management Plan. March 224. EDP and*
- *Landscape and Ecology Strategy Plan. March 2024. EDP.*

Protected Species and Habitats –

Bats –

We welcome the bat surveys undertaken in relation to proposed tree works on site and note the recommendations made within the Technical Briefing Note with regards to T17 and T18. Additional surveys have been recommended for T17 due to the presence of multiple PRF's for multiple bats and the nature of the works proposed. This additional survey work must be completed prior to the commencement of works and details of the survey and necessary mitigation measures submitted to and agreed with the LPA.

In addition, we note the mitigation measures proposed on site to support the retention of bat foraging and commuting flight lines which have been included within the Landscape and Ecology Strategy Plan, these include;

- A minimum 10m build buffer between all boundary hedgerows and development;*
- An additional 10m no build buffer between the woodland and development;*
- Neutral grassland planting along the buffers to be managed for the benefit of biodiversity*
- The retention of boundary hedges and some double hedge planting with in-boundary trees included*
- Infill hedgerow planting to reduce gapping.*

Skylark –

We welcome the skylark mitigation strategy submitted in support of the application. We note from the strategy that additional land within the blue line boundary (as outlined in Appendix EDP2) will be required to support the strategy. As this is outside of the red line boundary this strategy will require a separate legal agreement prior to determination. Additional information to include a landscape plan, outlining the locations of the proposed skylark mitigation plots will be required in order to support this proposal.

A number of Reasonable Avoidance Measures have been included within the Ecological Appraisal Report for badger, breeding birds and reptile. These integrated mitigation measures are welcomed and can be secured through a construction environment management plan. Further mitigation is proposed in the form of bird and bat boxes, the detail of which have not been included. This information could be secured through condition.

In addition, we note the gird connection route will be secured through a separate application.

Hampshire River Avon Catchment –

This development falls within the catchment of the River Avon SAC and has potential to cause adverse effects alone or in combination with other developments through discharge of phosphorus in wastewater. 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 Regulations 2017 (as amended). This concluded that as the proposals are for the construction and operation of a solar photovoltaic farm there is no mechanism for adverse effect and operational impacts would be de-minimis.

New Forest Protected Sites 13.8km Recreation Zone of Influence –

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, there is no mechanism for adverse effect and operational impacts would be de-minimus. The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

Biodiversity Net Gain–

We welcome the submission of the unlocked BNG metric. From the information submitted it appears that net gain has been met through the inclusion of new hedgerows, together with the creation and enhancement of grassland meadows. We note that the application is also supported by the updated Landscape and Ecology Strategy Plan.

HMMP–

A number of proposals have been recommended to enhance biodiversity on site through the BNG Assessment with the proposed management outlined within the FLEMP document submitted. Additional information will be required as outlined within our previous response. This could be conditioned.

Decommissioning–

A condition will be required to ensure an appropriate decommissioning and restoration plan is submitted to and agreed with the council a minimum of 12 months prior to commissioning. The condition must ensure the plan will be supported by an impact assessment based on up to date baseline survey and carried out according to the current guidelines. It must set out clear aims of restoration to benefit key habitats and species.

Conditions recommended.

9.8 Highway Safety

Core Policy 62 (Development Impacts on the Transport network) of the Wiltshire Core Strategy states:

“Developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages. Proposals for new development should not be accessed directly from the national primary route network outside built up areas, unless an over-riding need can be demonstrated.”

The site is bounded to the north by the A354 Salisbury Road with access to be provided to and from the site by existing vehicular accesses served by Homington Road to the east of the site. The Council’s Highways Officer has assessed this proposal with the comments detailed in full within the consultee response section of this report. The comments received raise no objection to the proposal subject to the imposing of the following or suitably worded conditions to address highway matters.

9.9 Heritage / archaeology

The application is accompanied by a Cultural Heritage Assessment (CHA) to address the matters of built heritage and archaeology. It is also accompanied by archaeological surveys and associated reports that have been assessed by the Council’s Archaeology Team and Conservation Officer respectively.

In terms of heritage impacts, the Conservation Officer has no comments as the proposal would not have an impact on the setting of any heritage assets.

In terms of archaeological impact, initial concerns were raised by the Archaeology Team to this proposal but subsequent updated reports that sets out a programme of archaeological work to mitigate the impacts of the proposed development have been provided. Following an

assessment of these additional reports, the Archaeology Team now have no objection to the proposal subject to the imposing of the two following conditions.

9.10 Flood Risk

CP 67 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.

It is recognised that solar farms are considered to have a relatively low risk in relation to their contribution to surface water flooding, and that surface water flood risk mitigation measures should be in place. It is acknowledged that the site does not fall within a flood plain and is located in Flood Zone 1 which is the lowest designation of flood zone and one wherein development such as that proposed is acceptable in principle.

The application site is also not subject to surface water or groundwater flood risk (with the 2019 Strategic Flood Risk assessment finding that ground water level is at least 5 metres below ground surface).

The application is accompanied by a site specific Flood Risk Assessment that has been assessed by the Council's Drainage Team. No objection is raised to this proposal subject to the imposing of conditions around a construction management plan with details of drainage arrangements. Subject to suitably worded conditions imposed onto any consent, any drainage or flood risk will be suitably mitigated.

10. Conclusion and Planning Balance

The proposed development is for the installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays together with transformer stations and ancillary infrastructure. A further application will be submitted to the Local Planning Authority for the point of connection in due course should the committee be minded to approve this proposal. This scheme also benefits from a grid connection agreement that is linked to this site gaining approval. As such, 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 last government's energy security strategy, published in April 2023, 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 further underline this the Climate change act 2008 (2050 Target Amendment) Order 2019 raised the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline (previously 80%).

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. Wiltshire Council's motion also confirms that the Council is "... *not opposed to the principle of the development of solar farms in line with the National Planning Policy Framework*".

The large volume of written objections to this proposal from members of the public and the NLCC Group have been carefully considered. Officers consider there is potential for an effect on the immediate landscape which is not unsurprising given that national and local policy recognise that large scale solar farms may result in some landscape and visual harm. However, given the topography of the land and the existing and proposed landscaping screening mitigation, this would 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.

It is also concluded that the proposal would not be in conflict with either the Written Ministerial Statement (WMS) or the Wiltshire Council Motion. As confirmed by the Climate Change Officer it is unlikely that rooftop solar panels alone would not meet the MW requirement and it's also considered unlikely that sufficient previously developed land would be found at scale. Therefore, it's not 'possible' in this instance to find alternatives to agricultural land. Whilst it is unfortunate that there will be some loss of grade 3a land, less than 50% of the site is within the definition of best and most versatile agricultural land and through the provision of habitat suitable for grazing, then the land would remain in viable food production use. Thus, gaining positive weight in favour of granting approval for this proposal.

The proposal would generate a significant amount of renewable energy (circa 30MW), which the developer sets out would provide enough power to service the equivalent of around 9,642 homes. By reducing the need to generate electricity through the burning of fossil fuels, which result in the emission of greenhouse gases, this scheme would help to mitigate climate change impacts.

Whilst it is duly acknowledged that there would be immediate local cumulative impacts from the development site proposal and its relationship with the existing Bake Farm Solar Farm to the north of the site, it is considered that the proposed development by way of the proposed landscape mitigation will integrate well into the landscape and not caused undue harm to the immediate area or wider landscape.

Other benefits of this proposal include the biodiversity net gain in excess of policy requirements needs to be apportioned positive weight too. Having regard for this and the other ecological benefits of this proposal, it is considered that the proposed development can be undertaken without having an adverse impact on protected species or their habitat. The proposed scheme also includes the introduction of green infrastructure and habitat creation which are considered to represent an ecological enhancement. Subject to conditions as suggested by the Council's ecologist, the measures proposed will 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.

It is acknowledged that during the construction period there could be some disruption on local highway networks and amenity impacts to the nearby surrounding properties on Homington Road. However, this disruptions would be only for a relatively short period of time and there would be measures in place to minimise such disruption and inconvenience through the conditioning of a Construction Management Statement. 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.

Further archaeological investigation would be required, and this can be controlled through condition. No harm would be caused to other designated heritage assets.

Whilst the scheme would lead to a small degree of very local and short-term negative impact on the landscape, 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, economic and social benefits associated with the proposal outweigh any limited harm.

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.

11. RECOMMENDATION:

Having had regard to all environmental information accompanying the planning application, approve with 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. No development hereby approved shall commence until a planning application for associated infrastructure to achieve grid connection from the development has been submitted to and approved in writing by the relevant planning authority.

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 before development commences in order that the development is undertaken in an acceptable and comprehensive manner, to ensure a satisfactory, landscaped setting for the development and the protection of existing important landscape features and the setting of the National Landscape.

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

- DWG No: LCS052-SP-01 Rev 03 Site Location Plan Date Received 29.11.23
- DWG No: LCS052-DZ-01 Rev 06 Development Zone Plan Date Received 19.03.24
- DWG No: edp7926_d010c Landscape and Ecology Strategy Plan Date Received 19.03.24
- DWG No: LCS052 PLE-01 Site Layout Plan External Date Received 19.03.24
- Glint and Glare Study dated February 2024 Date Received 14.03.24
- Skylark Mitigation Strategy dated March 2024 prepared by EDP Date Received 19.03.24
- Ecology Technical Note dated March 2024 prepared by EDP Date Received 19.03.24
- Technical Briefing Note dated March 2024 prepared by EDP Date Received 19.03.24
- Framework Landscape Ecological Management Plan dated March 2024 prepared by EDP Date Received 19.03.24
- Landscape and Visual Assessment Report dated November 2023 prepared by EDP Date Received 29.11.23
- Noise Assessment Report ref 784-B043545 dated November 2023 prepared by Tetra Tech Date Received 29.11.23

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

4. No development shall commence on site until full details (which must be within the parameters set out in the submitted Planning Design and Access Statement dated November 2023) of the final layout, locations and dimensions, design, materials and colour (where appropriate) to be used for the panel arrays, battery storage, inverters, substation, control building, switch room, CCTV cameras, fencing and any other components of the scheme have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained for the lifetime of the development.

REASON: For the avoidance of doubt and proper planning.

5. The development hereby permitted shall not exceed the limits as shown on approved plan DWG No: LCS052-DZ-01 Rev 06 Development Zone Plans Plan.

REASON: For the avoidance of doubt and proper planning.

6. The proposed development shall only be undertaken in accordance with the 'Written Scheme of Investigation for an Archaeological Excavation' prepared by Cotswold Archaeology, dated 26 March 2024, reference AN0851, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible.

7. No development shall commence within the area indicated by the red line boundary on Low Carbon's Site Location Plan, Drawing No. LCS052-SP-01 Rev 03 until the construction details of the access track and construction compound have been submitted to and approved in writing by the Local Planning Authority.

REASON: In order to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible.

8. 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:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - measures for the protection of the natural environment.
 - hours of construction, including deliveries;

- pre-condition photo survey - any damage related to the development will be put right (to the satisfaction of the LHA) within 6 months of the development completion.
- How access will be maintained and managed for all users of Homington Road throughout the construction phase.
- Pre-condition Survey: A photographic pre-condition (and post condition) highway 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: 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.

NOTE: The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

9. No part of the development shall be first brought into use until the visibility splays shown on the plan ref:410558-MMD-XX-BA21-DR-C-003 (Appendix B in the Transport Report) 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.

10. Any entrance gates shall be set back 5m from the edge of the carriageway for the Operational Access and at least 10m from edge of carriageway for the Construction Access, such gates to open inwards only.

REASON: In the interests of highway safety.

11. The development hereby permitted shall not be first brought into use until the area between the edge of the carriageway and the gates (Operational Access) has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

12. 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:

- identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.

- Working method statements for protected/priority species, such as nesting birds and reptiles.
- 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.
- 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.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- 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.

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.

13. 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.

14. Prior to the commencement of the development a Skylark Mitigation Strategy to compensate the loss of any Skylark territories shall be submitted to and approved by the local planning authority. The strategy shall include the following:
- a) Up to date base line surveys of the development land and proposed mitigation area.
 - b) Evidence of the number of Skylark nest plots required.
 - c) A drawing specifying the location of existing Skylark territories and proposed
 - d) Skylark mitigation plots.
 - e) Details of the purpose and conservation objectives for the proposed Skylark nest plots.
 - f) Detailed management plan including required operations of Skylark mitigation plots.
 - g) Details of persons responsible for implementing the strategy.
 - h) Details of monitoring and reporting methods including pathways for remediation.

The Skylark Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for the life time of the approved development until deconstruction is completed.

REASON To provide mitigation and enhancement for biodiversity.

15. Prior to the commencement of any works, including vegetation removal and demolition, details of the number, design and locations of bat roosts and nesting opportunities for birds shall be submitted to the local authority for approval. The approved details shall be implemented before occupation of the final works and shall remain for the lifetime of development.

REASON: To provide mitigation and enhancement for biodiversity.

16. No work shall commence on site until evidence of further Bat Surveys have been submitted to and approved in writing by the local planning authority. The report shall contain details of survey work to establish whether bats are present within existing trees on site and if so, the necessary details to enable a full assessment of impacts of development on bats as well as all necessary mitigation measures. The latter will include times when a professional ecologist will be present to oversee the works and whether a European Protected Species Licence is required to enable the work to proceed. The works shall be undertaken in complete 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 must be agreed with the Local Planning Authority before development commences to ensure the development mitigates for potential disturbance to protected species.

17. No external light fixture or fitting shall be installed within the application site unless details of the proposed new lighting has 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. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: In the interests of conserving biodiversity.

18. In the event that the development ceases to be operational, then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with a Decommissioning Plan to be first submitted to and approved in writing by the Local Planning Authority prior to the commencement of decommissioning, and within six months of the cessation of the use of the site.

REASON: In the interests of amenity of the Special Landscape Area and the circumstances of the use.

19. Prior to the development hereby approved being decommissioned, the applicant shall submit an ecological assessment and mitigation report for approval by the Local Planning Authority. The site shall then be decommissioned in accordance with the approved details.

REASON: To ensure that protected species are not harmed through the removal of the equipment having regard to guidance contained in the NPPF.

20. No development shall commence on site until a construction management plan and land management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure the development can adequately drain.

21. All landscape planting shall be undertaken in accordance with DWG No: edp7926_d010c Landscape and Ecology Strategy Plan and the Landscape and Visual Appraisal ref: edp7926_r0002A and maintained as such thereafter.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or in accordance with a programme to be agreed in writing with 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.

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 and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.

22. All deliveries of solar panels and any other associated construction materials of the development hereby approved shall be confined to between the hours of: 0730 to 1800 Mondays to Fridays; and at no times on weekends or bank holidays

REASON: In the interests of neighbouring amenity.

23. The development shall be carried out in accordance with the submitted Arboricultural Report undertaken by Tree Heritage ref: THL-R23-110 dated November 2023 in accordance with the relevant British Standard (Guide for Trees in Relation to Construction, BS.5837: 2012).

The trees must be protected in accordance with the approved statement throughout the period of development, unless the Local Planning Authority has given its prior written consent to any variation.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that the amenity value of the most important trees,

within or adjacent to the site, are adequately protected during the period of construction.

INFORMATIVE TO APPLICANT:

1. Bats

There is a low risk that bats may occur at the development site. Many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the applicant is advised to follow the advice of a professional ecologist or to contact Natural England's Batline through the internet.

2. Nesting Birds

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

3. Reptiles

There is a residual risk that reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk).

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Appeal Decision

Inquiry Held on 26 September to 12 October 2023

Site visit made on 11 October 2023

by Susan Heywood BSc(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18/12/2023

Appeal Ref: APP/C1570/W/23/3319421

Land west of Thaxted, Cutlers Green Lane, Thaxted

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cutlers Solar Farm Ltd against the decision of Uttlesford District Council.
 - The application Ref UTT/21/1833/FUL, dated 20 May 2021, was refused by notice dated 29 September 2022.
 - The development proposed is the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping.
-

Decision

1. The appeal is allowed and planning permission is granted for the construction and operation of a solar farm comprising ground mounted solar photovoltaic (PV) arrays and battery storage together with associated development, including inverter cabins, DNO substation, customer switchgear, access, fencing, CCTV cameras and landscaping on land west of Thaxted, Cutlers Green Lane, Thaxted in accordance with the terms of the application, Ref UTT/21/1833/FUL, dated 20 May 2021, subject to the conditions set out in Annex 1.

Procedural matters

2. The Inquiry was closed in writing on 14 November 2023 following receipt of comments on suggested conditions. I address the conditions later in this decision.
3. Thaxted Parish Council became a Rule 6 Party at the Inquiry under Rule 6(6) of the Inquiries Procedure Rules. A Case Management Conference (CMC) was held with all parties on 1 August 2023 to discuss the procedural management of the Inquiry.
4. The site address on the Council's decision notice differs from that on the application form. At the CMC it was agreed that the correct address is that cited in the decision notice and this was subsequently agreed in the Overarching Statement of Common Ground. I have used that address in the heading above.

5. Reason for refusal 4 on the Council's decision notice relates to the lack of a S106 Agreement for the decommissioning of the solar farm and reinstatement of the land back to its original condition. The Council have subsequently agreed that this matter can be overcome by the imposition of a suitably worded condition. They did not therefore defend this reason for refusal. I see no reason to come to a different conclusion and the suggested condition is addressed later in this decision.
6. At the appeal stage, the appellants put forward a revised Planting Strategy as an alternative to that considered at the application stage, whilst maintaining that the originally submitted Planting Strategy would be appropriate mitigation for the scheme. I address this matter later in this decision.
7. It came to light during the inquiry that the application site area had been incorrectly drafted on the application and appeal documents. The documents identified the site area as 52ha when it is actually 64.5ha. The site area identified by the application red line has not altered as a result of this error. I have considered the appeal on the basis of the corrected figure.
8. Some of the application plans considered by the Council included part of the line of the electrical cable route corridor towards the point of connection to the electricity grid network. A varying extent of this line (not the totality of the route) was shown within the red line application boundary on the Development Zone Plan (LCS023 DZ-02 Rev 08), Indicative Site Layout External (LCS023 PLE-01 Rev 12) and West Thaxted Constraints Plan (LCS023 CP-02 Rev 01). However, the corridor was not shown within the red line application site boundary on the submitted West Thaxted Site Location Plan (LCS023 SP-01 Rev 05) and the description of development does not include this connection route.
9. At the appeal stage, the appellants submitted revised Development Zones, Indicative Site Layout and Constraints plans to ensure consistency with the Site Location plan by omitting this cable route corridor. The Council have no objections to these revised plans and have agreed that the off-site cable route corridor does not, and did not, form part of the original application. The Parish Council also agrees that the cable route does not form part of the site area or the appeal proposals. However, they consider that the omission of this route from the application does not give local residents the opportunity to comment upon this aspect of the proposal.
10. I have carefully considered this view. However, nothing was drawn to my attention which would require a solar farm developer to include the cable route corridor in the planning application. The originally submitted plans which identified this route were inconsistent in the amount of the route that they showed and, in any case, did not show the route in its entirety. Consequently, local residents would not have been able to comment on the route at application stage. Separate powers exist for statutory undertakers to carry out work for the transmission and distribution of electricity and the route will be determined having regard to the requirements of the statutory undertaker. Furthermore, as all parties agree that the cable corridor was not part of the original application or appeal, it follows that no prejudice arises from me determining the appeal on the basis of the revised plans.
11. The application has been submitted using the 'Rochdale envelope' whereby the precise details of the development have not been finalised at the application

and appeal stages. Instead, the application follows the approach of identifying Development Zones which will contain the solar arrays, battery storage, inverter cabins, substations and other associated infrastructure. An indicative site layout has been submitted within the Development Zones, but these could be subject to change at the detailed design stage. The approach allows some flexibility in the final design and siting of elements of the development. This is a reasonable approach in light of the evolving technology involved and that a contractor has not yet been appointed for the development.

12. The appellants have put forward a 'worst case' approach based on the maximum parameters of the scheme and I have considered the appeal on this basis. I am satisfied that the level of information submitted is sufficient for me to determine what the main impacts of the development would be and that the impacts can be satisfactorily controlled by the imposition of suitable conditions.
13. I note that Council Officers recommended the application for approval on a number of occasions, but the application was refused by the Planning Committee.

Main Issues

14. The main issues in this case are the effect of the development on:
 - the character and appearance of the landscape
 - the setting of designated heritage assets
 - the use of best and most versatile agricultural land (BMV)
 - whether other considerations, including the need for the development, outweigh any identified harms.

Reasons

Landscape character and appearance

15. The appeal site is spread across a number of irregularly shaped fields. Currently used as arable farmland, the fields are mainly enclosed by hedgerows, hedgerow trees, and woodland belts. In addition, part of the site is traversed by overhead power lines and large pylons.
16. The site lies within the B8 Thaxted Farmland Plateau as identified in the Landscape Character Assessment of Uttlesford 2006 (LCA). Key characteristics include a gently rolling plateau, broken hedgerows, expansive views on open roads at higher elevations and dispersed settlements, but with tranquillity severely altered by the Stansted flight paths.
17. The site does not lie within a designated landscape and it sits outside of the sensitive rural setting of Thaxted as defined in the Thaxted Neighbourhood Plan (TNP). Whilst the Council and appellants agree that the site does not lie within a valued landscape in terms of the National Planning Policy Framework (NPPF), the Parish Council disagree. The parties have considered this matter by reference to GLVIA3¹ and TGN 02/21².

¹ Guidelines for Landscape and Visual Impact Assessment Third Edition

² Technical Guidance Note 02/21 Assessing landscape value outside national designations

18. The Parish Council argue that the landscape scores highly on five of the value factors identified in TGN 02/21 – cultural heritage, landscape condition, distinctiveness, recreational and perceptual, although they confirmed at the inquiry that the strongest factors are cultural heritage and recreational aspects.
19. In terms of cultural heritage, the LCA notes that there is a strong sense of historic integrity in the Thaxted Farmland Plateau. Whilst there are no listed buildings within the site itself, there are some in the surrounding landscape and, to varying extent, the surrounding countryside / appeal site makes a contribution to the setting of some of those assets. This is addressed in further detail later in this decision. I note too that some historic field patterns and boundaries remain within the site. However, this is not an area where there are numerous or prominent historic features in the landscape, and I judge cultural heritage to make a medium to high contribution to the landscape.
20. I agree that the landscape condition is good. The fields comprise arable farmland, hedgerows are largely intact and well maintained. However, there is nothing remarkable about the condition of the landscape and overhead powerlines and pylons which cross the site are notable detractors. I would therefore categorise this factor as making a medium contribution.
21. The parties agree that the site and surrounding landscape is representative of the typical characteristics of farmland plateau. I note that rarity and representativeness (from GLVIA3 Box 5.1) translates to distinctiveness (in TGN 02/21). However, in the Council's evidence representativeness is used to set out the extent to which the site reflects the factors which are indicative of value, and I address these below.
22. Nonetheless, it is worth noting that there are no rare elements to the landscape either on or surrounding the site and no features have been drawn to my attention as particularly important examples of the landscape. There are occasional views towards the church spire and windmill in Thaxted from surrounding land, however these views are not so notable, prominent or frequent as to give the landscape a strong sense of place. The Parish Council use the same arguments to point towards a high score in terms of the perceptual (scenic) value factor. The appeal site is a pleasant but unremarkable tract of countryside and there is nothing that sets it apart from other land within the Thaxted Farmland Plateau. I therefore consider that these factors make a medium contribution to the value of the landscape.
23. The site is crossed by two footpaths and a byway and there are other footpaths crossing surrounding fields. I agree with the Council that the site provides a sequence of generally attractive views that contribute to the amenity of these routes. I would therefore agree with the Council that the recreational value is medium to high.
24. I acknowledge that local residents and visitors to the area, including people who use the local footpaths, undoubtedly place a value on the countryside within which the site lies. However, many areas of the countryside display similar characteristics to the appeal site and surroundings, including the use and enjoyment by the public for recreation. In assessing the site against the range of factors that can help to identify landscape value, I agree with the Parish Council that recreational and cultural heritage factors make the highest contribution. However, I do not put their value as high as the Parish Council and, overall, I consider that the landscape in this case has a medium value.

- None of these aspects of the landscape are such that they elevate the site or surrounding area into that of a "valued" landscape. Accordingly, NPPF paragraph 174(a) does not apply in this instance.
25. Nevertheless, this does not mean that the landscape has no value and NPPF 174(b) requires decision makers to recognise the intrinsic character and beauty of the countryside, rather than the more stringent "protect and enhance" for valued landscapes.
 26. The Council and appellants assess the susceptibility of the landscape to accommodate the development leading to an assessment of sensitivity. They go on to consider the magnitude of change leading to an overall effect of the development on landscape character. The results are summarised in Table EDP 4.1 in the Statement of Common Ground (SoCG) for landscape and visual matters.
 27. The LCA sets out the sensitivity to change for the Thaxted Farmland Plateau character area. The sensitive characteristics include ancient woodlands and the open nature of the skyline of the higher, more exposed upper plateau level. All parties agree that no ancient woodlands would be affected in this case. The Parish Council also accepted that the development would not impinge on any important long-distance views. It is also of note that all of the key views of Thaxted identified in the TNP are located within the sensitive rural setting and the appeal development would not impinge upon any of these. The development would not impact upon the dispersed historic settlement pattern identified in the LCA nor would there be any impact on important wildlife habitats within the area, a matter I return to later in this decision.
 28. The LCA identifies the Thaxted Farmland Plateau as having a relatively high sensitivity to change. Nonetheless, the Council and appellants agree that the effect of the development on the landscape character of the Thaxted Farmland Plateau would be minor to minor / negligible at year 15. Considering the impacts of the development on the key characteristics in the LCA, I concur with that view.
 29. The Council's concerns relate to the impact on the more localised area. They and the appellants differ in their conclusions in relation to the effect on the landscape character of the appeal site at year 1 and 15 and the appeal site context at all stages (the Parish Council did not present their concerns in this manner).
 30. The key elements leading to the Council's high susceptibility assessment of the site are agricultural land cover (which is stated to be of high value because of its contribution to visual openness, through which the natural terrain and hedgerow pattern can be appreciated), hedgerows and associated trees, openness, scenic quality, wildness and dark skies.
 31. In terms of agricultural land, openness, hedgerows and trees, the site itself has an open character but the surrounding landscape is characterised by medium distance views, rather than expansive open views. The natural terrain is gently undulating, and the hedgerow pattern is that of hedgerows and trees along field boundaries with occasional woodland belts. The site and surroundings comprise an attractive sequence of arable fields and they have a moderate scenic quality, although this is impacted by the overhead line and large pylons crossing the site. The pylons and the farmed and managed nature of the site

- and surroundings does not give the landscape a high degree of wildness. Given the rural nature of the surroundings, dark skies probably prevail although I heard no evidence on this matter. Overall, I consider the site and surrounding context have a medium susceptibility to change having regard to the factors assessed by the Council.
32. Accordingly, on the basis of what I have read, heard at the inquiry and seen on my site visit, I conclude that the site and its surroundings have a medium landscape value, a medium susceptibility to change and a medium sensitivity.
 33. The proposed development would introduce linear structures, utilitarian in appearance and with hard, man-made materials into the currently open rural landscape. In this sense there would be a significant change in land use and loss of openness of the appeal site. Nevertheless, the solar panels would be low-lying features at a maximum of 3 metres high which retain a degree of permeability, with views gained between the rows of panels, particularly at close proximity to the site.
 34. The appellants accept that the magnitude of change would be high (or very high) for the appeal site during construction and at year 1. At year 15, the change in the character of the site and the loss of its open nature would remain, albeit the landscaping will have matured at that stage. I agree with the Council that the magnitude of change within the site would remain high at year 15. The effect of the development would be major at year 1 but would be more moderate at year 15 because of the more mature landscaping.
 35. When viewed in the wider context, parts of the site would be visible in some medium distance views. However, because the panels would sit on top of the land, the undulating nature of the surrounding topography would remain. The low-lying nature of the development would also mean that views would continue to be gained across the landscape of hedgerows and associated trees. The development would not therefore detract from the openness of the wider landscape. The effect of the development would be moderate at year 1 and moderate to minor at year 15.
 36. Field sizes within the site and surrounding area are irregular. There are some large fields suited to modern agricultural practices and some smaller fields bounded by hedgerows. Field boundaries are a combination of sinuous and linear and I have noted above that some of these hedges follow historic field boundaries. The proposed solar farm would result in the subdivision of some of the larger fields and the creation of linear boundaries along which hedges are proposed. In the case of two of the Development Zones, their boundary would follow the line of the overhead electrical cables. The field and boundary pattern that the development would create would be in accordance with the established pattern within the area.
 37. An argument was made that a solar farm is inherently rural and agricultural in character. I do not agree with that view. Solar panels can be located in rural and urban areas, I would not therefore describe them as being "inherently" rural in nature. Furthermore, whilst agricultural use of the land beneath the panels may continue, this would be incidental and may not happen in this case. The purpose of the use is not to produce anything from the land itself. Neither do I consider that they are yet commonplace features in rural areas, although they are becoming more widespread. On the other hand, solar farms do not display many of the features of an industrial use such as activity, storage, large

areas of parking or potential emissions, all of which could be associated with industrial uses. I note the decision at Maggotts End (S62A/2022/0011) where the Inspector described a solar farm as being "*overtly utilitarian industrial infrastructure*". Whilst I agree that the solar arrays would have a utilitarian appearance, I do not agree with the assessment that the development would be industrial in nature, for the reasons set out.

38. I acknowledge that, visually, large scale solar farms can have similar characteristics to large scale polytunnels in agricultural settings. However, this does not make solar farms necessarily acceptable in a rural area. Their impact on character and visual amenity still needs to be assessed.
39. Turning to visual impact, I was directed to a number of viewpoints in the surrounding area and visited all of these on my site visit. It is notable they were all well within a 1km radius of the site and no long-distance views of the site were drawn to my attention. The visual impact of the proposal would therefore be localised over short distance views.
40. There was criticism of the viewpoint photography and photomontages submitted with the application. These were supplemented by additional visuals at appeal stage, including those from the Council and Parish Council. I am satisfied that I was able to make a comprehensive assessment of the proposals from the information before me and from my site visit.
41. Short distance views would be gained from the footpaths which cross the site as well as from nearby footpaths. Walkers and other recreational users, who are agreed to have a high sensitivity to adverse impacts, would see the panels, fencing, CCTV cameras, inverters and battery storage containers when using these routes. In the case of the footpath running north from Richmonds in the Wood, the development would be seen on either side of the footpath for much of its length. Nevertheless, the existing views from the footpath to the south of Development Zone 1 and that running north from Richmonds in the Wood are currently adversely impacted in parts by views of the pylons and overhead lines. Overall, the development would have a major adverse visual impact from these locations in year 1. This would reduce to a moderate visual impact over time, once the proposed landscaping develops.
42. The solar arrays on Development Zones 5 and 6 would also be visible through existing gaps in the hedgerow on either side of the byway and through gaps created by proposed new access routes (if these are not able to utilise existing gaps). The existing hedges and trees along the byway would provide moderate to good screening, although views through the hedges are likely to be greater in the winter months. Nevertheless, the visual impact along the byway would be moderate³. This would be likely to remain over time as there is no additional planting proposed in this location.
43. The further away the viewer travels from the site on the surrounding footpaths, the more the development would recede and the visual impact would therefore diminish. From more distant views, where the panels and associated development would be visible, they would be seen as a darker surface sitting within the landscape bounded by trees and hedges. They would have a

³ Whilst a condition is imposed requiring exploration of the possibility of utilising existing gaps in the hedgerows for access into Development Zones 5 and 6, I have assessed the impact on the basis that additional access points would need to be created.

- moderate to minor adverse impact from the identified viewpoints further away from the site.
44. Other users who would see the solar farm would be those who would pass along Bolford Street to the north of the site travelling towards or from the direction of Thaxted. People using the road are likely to be in vehicles due to the lack of footpaths along this road. The sensitivity of these users is therefore likely to be medium. Parts of the solar farm would be seen through gaps in the existing hedgerows. The impact on road users would be moderate to minor reducing to minor over time in the locations where supplementary planting is proposed.
 45. I note that the solar farm would be visible from some of the published walks around Thaxted. The Parish Council also argued that cumulative impacts would occur due to the presence of other existing or consented solar farm schemes in the surrounding area. I have addressed above the concerns relating to the walks along the footpaths which pass through or close to the site. I note that other walks would pass close to solar farms to the east of Thaxted. However, there would be no intervisibility between the proposed development and any of the other solar farms, implemented or consented. One of the longer distance walks would pass the development site and the other solar farms to the east of Thaxted. However, there would be some considerable distance between these solar farms and the walk would take in large areas of countryside which are not impacted by solar farms. Consequently, there would be no cumulative impact on either visual amenity or the character of the countryside.
 46. The original application included Planting Strategy and Landscape Strategy plans setting out the proposed landscaping for the site. Council Officers recommended approval of the application on the basis of these original landscape plans. During the appeal stage a revised Landscape Strategy plan was submitted⁴. This supplements the proposed landscaping in a number of important locations including some of the edges of the development where existing hedgerows are either minimal or absent. It is important that these additional areas of planting are included as part of the development to ensure that, over time, the visual impact of the development is minimised. It is also notable that the appellants' landscape consultant confirmed at the inquiry that he considered the revised scheme to be superior to the originally submitted scheme. I have therefore taken the revised plan into account in my assessment of the visual impact above. The proposed landscaping can be secured by an appropriate condition.
 47. It has been suggested that the proposed landscaping itself would be harmful to visual amenity, closing off open views and resulting in a wall of hedging alongside some of the footpaths. I do not agree with this assessment. It is the proposed solar arrays which would lead to a loss of openness in localised views of the site, as I have set out above. The hedges would only be needed to screen and soften what would otherwise be stark views of the panels and fencing.
 48. Furthermore, lines of native hedgerow and hedgerow trees tend to be viewed as positive features in a landscape due to their soft appearance, changing nature over the seasons, movement of leaves and branches and the likely presence of wildlife within them. Whilst hedgerows on either side of a footpath

⁴ CD 6.1 as supplemented by Inquiry Document 14

- can combine to form a tunnel, this does not appear to be the intention of the Planting Strategy. In any case, this would not necessarily be harmful along short distances and I noted that a stretch of the footpath near to Duckett's Farm has this characteristic. Management of the landscaping, which can be controlled by condition, could ensure this does not occur if necessary.
49. Policy S7 of the Uttlesford Local Plan, January 2005 (ULP) refers to the protection of the countryside for its own sake. Development is only permitted by the policy if its appearance protects or enhances the character of the countryside, or there are special reasons why the development in the form proposed needs to be there.
50. Rather than protection of the countryside for its own sake, the NPPF paragraph 174(b) seeks to recognise the intrinsic character and beauty of the countryside. In this respect ULP policy S7 is not wholly consistent with the NPPF. Despite the age of the plan, this does not render the policy out of date as it is generally in accordance with the countryside objectives in the NPPF.
51. Policy TX LSC1 of the TNP sets out that the countryside will be protected for its intrinsic character and beauty and for its value as productive agricultural land, for recreational use and biodiversity. Whilst the policy goes on to refer to the sensitive rural setting of Thaxted, it is agreed by all parties that, as the site lies outside Thaxted's sensitive rural setting as identified in the TNP, the second part of policy TX LSC1 does not apply in this case. I do not agree with the appellants' argument that this policy is out of date due to its reference to countryside protection. The need to recognise the intrinsic character and beauty does imply a level of protection, albeit not the same level as that of a designated or valued landscape.
52. The Council argues that part of Policy TX LSC2 of the TNP should be read as applying to development outside the sensitive rural setting of Thaxted. However, it is clear from the wording of the policy that it relates to development either within the identified landscape character areas (agreed not to be relevant in this case), or within the sensitive rural setting. I see no basis for splitting the policy in the manner suggested by the Council. Accordingly, I do not consider Policy TX LSC2 to be relevant to the development proposed.
53. To conclude on this issue, the development would cause varying degrees of harm to both the landscape character and appearance of the area. This would be greatest close to the site and reducing with distance and over time as landscaping matures. In this respect the proposed development would conflict with ULP policy S7 and TNP policy TX LSC1. Nevertheless, NPPF paragraph 158 takes a positive approach that applications should be approved if the impacts are, or can be made, acceptable. In this case the landscape and visual harm would not be significant and would be confined to a localised area. I therefore give moderate weight to this harm.

Heritage

54. Policy ENV2 of the ULP states that development affecting a listed building should be in keeping with its scale, character and surroundings. It goes on to say that development that adversely affects its setting will not be permitted. The latter part of this policy does not reflect the more balanced approach set out in the NPPF, which I set out below.

55. Policy TX HC1 of the TNP states that development within the neighbourhood area, which includes the appeal site, should have regard to the setting and significance of heritage assets and the character and appearance of Thaxted.
56. The NPPF sets out that in determining applications, regard should be had to the desirability of sustaining and enhancing the significance of heritage assets. Any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
57. There are no heritage assets on the appeal site. However, there are listed buildings in the surrounding countryside and a Conservation Area within Thaxted village. The Council considers that less than substantial harm would be caused to the Grade II listed buildings at Richmonds in the Wood, Loves Farmhouse and Spring Cottage. The Parish Council consider that there would also be less than substantial harm to Lower Farmhouse, Wayside and Tower Cottage all of which are Grade II listed. They also consider that there would be harm to the Thaxted Conservation Area and the potential for less than substantial harm to the Grade I listed Horham Hall. I will consider these heritage assets in turn.

Richmonds in the Wood

58. Richmonds in the Wood is a timber framed and plastered property, single storey with attics and red tiled half hipped roof. The building dates from the early 14th century. Built as an aisled hall with gabled cross-wing, the hall was extensively rebuilt in the late 16th century. The significance of the building is derived from its historic, architectural and artistic interest as a rural farmstead with associated barns.
59. To the north and west of the building lie former outbuildings which have been, or at the time of my visit were in the process of being, converted to residential properties. The buildings are surrounded by an enclosed garden incorporating trees and a driveway leading to the byway.
60. There is substantial screening around the property giving it a secluded appearance and the primary view of the building is gained from the driveway to its east. Nevertheless, the roof of the building can be seen from the footpath to the west and part of the property is also visible from the footpath to the north east.
61. Beyond the enclosed garden the property is surrounded by agricultural fields. Richmonds in the Wood lies in an isolated location away from other properties many of which are located towards Cutlers Green to the east. The greenspace and trees surrounding the property give it a sense of seclusion. The approach to the property along the narrow byway bounded by hedgerows and with glimpses towards the open agricultural fields to either side forms part of the isolated, agrarian setting and contributes to the significance of the building.
62. All parties agree that there was an historic functional relationship between Richmonds in the Wood and some of the farmland within the appeal site, as parts of the appeal site were within the same ownership. That relationship no longer exists but it nevertheless assists in understanding the origins and

history of the building. This is not something that can be seen when viewing Richmonds in the Wood or its surroundings. Nonetheless, the remaining proximity and physical relationship of the building to the surrounding open farmland enables the origins and development of the property to be understood.

63. The property is no longer a farmstead and there is now minimal interaction between the property and the surrounding land. Much was made at the inquiry regarding the loss of historic field boundaries, and Essex County Council's Historic Landscape Characterisation which defines the farmland as predominantly 20th century agriculture with some pre-18th century irregular enclosure. I accept that there has been a loss of many of the historic field boundaries within the site but note that a number of them still remain. Notwithstanding this loss, the surrounding agricultural land evokes the former functional relationship of the property with the farmland. I therefore consider that the open, rural, agricultural land surrounding Richmonds in the Wood forms part of its setting which contributes to the significance of the building.
64. The proposed development would result in solar arrays located within the field to the north of the property and in the two fields to the east and south east, on either side of the byway leading to the property. The solar arrays would be visible to a small degree from parts of the garden of the property looking towards the north and east. Some of the panels would also be visible in the same view as the roof of the building when traveling towards the property along the footpath from the west. On the approach to the property from the footpath to the north east of the building, the viewer would be travelling through solar arrays on either side, in the fields to the west and east, rather than the currently open agricultural fields. The same would be the case when travelling along the byway which would have solar arrays located to the north and south.
65. There would therefore be a change in character of the surroundings from open agricultural land to land containing solar arrays and the experience of the approach to the asset from a number of directions would alter. This would cause harm to the setting and therefore the significance of the listed building.
66. However, because the solar arrays would sit on top of the land, it would still be apparent that the arrays are located on former agricultural fields. Accordingly, the former functional relationship of the building with the surrounding farmland would still be discernible. Moreover, the sense of seclusion of the building and its isolated setting, away from other properties would be retained.
67. Thus, whilst I conclude that the development would cause harm to the setting and therefore the significance of the building, that harm would be less than substantial and towards the lower end of the scale.

Loves Farmhouse

68. Loves Farmhouse is a two storey, timber framed and plastered, 17th century building with red tiled roof. The property is surrounded by agricultural land to the east and south, beyond farm outbuildings. To the north the property overlooks an open triangular grassed area (referred to as the green below), to the west of which lies an agricultural field which forms part of the appeal site. Beyond the green lies Spring Cottage which I consider below. The significance

- of the building is derived from its historic, architectural and artistic interest as a rural farmhouse.
69. The property has a strong visual connection with the green to the north and views from the green allow the architectural significance of the building to be appreciated. This part of its setting therefore contributes to the significance of the building.
70. The landholding associated with the farm in 1842 primarily consisted of land to the east and south east of the farmhouse. However, there was also an historic functional relationship between Loves Farmhouse and a strip of farmland within the appeal site to the west which was in the same ownership and occupancy. That relationship has now been severed. But the location of the property with agricultural fields to the west, south and east still allows the origins and development of the property to be understood and is evocative of the former functional relationship of the building with surrounding land.
71. The rural setting is apparent in the approach to the building along the byway towards the green. As views across the green open up, the viewer gets the sense of the building sitting within its rural, agricultural setting. This is not diminished by the loss of historic field boundaries along the approach. This setting therefore contributes to the significance of the building.
72. Nonetheless, the agricultural land to the west, upon which the arrays would be located, is physically separated from Loves Farmhouse by the lane, the green and a belt of vegetation between the green and the appeal site to the west. The farmland is apparent in the approach to the building and can be glimpsed through a gap in this vegetation on the boundary of the green. However, there is limited physical or visual connection between Loves Farmhouse and the land to the west. Accordingly, despite the former functional relationship with land to the west, that land makes a lesser contribution to the setting and significance of the building than the agricultural land to the east and south.
73. The solar arrays would be located on land to the west, beyond the vegetated boundary to the green. There may be glimpses of the arrays through that vegetated boundary, but any such views would not be significant and would not detract from the setting or significance of Loves Farmhouse to any great degree. However, the character of the approach to the farmhouse from west, along the byway, would be altered. This would erode the degree to which the farmhouse is experienced within an agrarian landscape when travelling from this direction. The development would therefore cause a small amount of harm to the setting of the building. This would amount to less than substantial harm to the significance of the asset, at the very low end of the scale.

Spring Cottage

74. Spring Cottage is a timber framed and plastered cottage with hipped thatched roof. It is single storey with hipped, thatched dormer windows in the attic. The property dates from the 17th century. The blank gable end of the property abuts the byway leading from the green towards Richmonds in the Wood. The front of the property faces towards the green but the treed and vegetated boundaries give a sense of enclosure to both the front and back gardens. Spring Cottage and Loves Farmhouse were both built in the 17th century and face each other on opposite sides of the green. The significance of the building is derived from its historic, architectural and artistic interest as a rural dwelling.

75. The primary setting of the property comprises the green and the relationship with Loves Farmhouse. In addition, historic maps show that the cottage has been surrounded by open, agricultural land since the earliest available map of 1777. The evidence demonstrates that Spring Cottage was in the same ownership as agricultural land within the appeal site, although there is no evidence that the occupier of the cottage also farmed the land.
76. There is no direct visual relationship between Spring Cottage and the appeal site. Nevertheless, the property is the first cottage to be reached on the approach along the byway from Richmonds in the Wood passing through the open agricultural landscape. The property is therefore experienced in the wider surroundings of the open rural landscape, much as it was at the time the asset was constructed. This setting therefore contributes to the significance of the building, although to a lesser degree than the properties outlined above. As with the other properties above, the loss of historic field boundaries does not diminish this contribution.
77. The solar arrays would be located on land to the west, beyond the vegetated boundary to the north and west of the property. There would be no inter-visibility between the solar arrays and the property. However, the character of the approach to Spring Cottage from west, along the byway, would be altered. This would erode the degree to which the building is experienced within an open rural landscape when travelling from this direction. The development would therefore cause a small amount of harm to the setting of the building. This would amount to less than substantial harm to the significance of the asset, at the very low end of the scale.

Lower Farmhouse, Wayside and Tower Cottage

78. The property listing describes Lower Farmhouse as a 15th or 16th century house, with extensive 20th century alterations. Its north west elevation faces agricultural land to the west and, beyond this, towards part of the appeal site. The significance of the building is derived from its historic, architectural and artistic interest as a rural farmhouse.
79. Wayside is described in the listing as deriving from the 17th century or earlier. It is timber framed and plastered with a thatched roof. Tower Cottage is also timber framed and plastered with a thatched roof. It dates from the 17th century. Both properties form part of the cluster of buildings situated along Bolford Street in Cutlers Green. The significance of both buildings is derived from their historic, architectural and artistic interest as rural dwellings.
80. The Tithe Map of 1842 shows that all three properties were in the same ownership as each other and as land to the west, outside the application site. The same owner also owned land within the southern part of the appeal site, Spring Cottage and Richmonds in the Wood. These functional relationships have now been severed. But the location of the properties with agricultural fields to the west (north in the case of Tower Cottage) allows the origins and development of the properties to be understood and is evocative of the former functional relationship of the buildings with surrounding land. Land to the west of Lower Farmhouse and Wayside, and to the north of Tower Cottage, therefore forms a small part of the setting of the buildings which contributes to a small degree to their significance. Much of that land, however, is located outside the appeal site.

81. The development would be located on land beyond the agricultural field immediately behind the properties. Whilst part of the development would be visible from the property boundaries, agricultural land would remain between the appeal site and the listed buildings. The development would be a sufficient distance from the properties so as not to erode the ability to understand the former functional connection between the buildings and surrounding agricultural land. Furthermore, as set out above, because of the nature of the development, it would still be apparent that the arrays are located on former agricultural fields. This aspect of the setting of the buildings does not contribute to the significance of the buildings to any great degree. For these reasons, the development would not cause harm to the understanding, appreciation or experience of the heritage assets and would not harm their significance.

Horham Hall

82. Horham Hall is Grade I listed. Originally built in 1470, extended and partially rebuilt in the early 16th century and with extensive restorations in the mid 19th century. It is a timber framed house, partially rebuilt in red brick, with red plain tiled roofs and 19th century crenelated parapets. The significance of the building is derived to a great degree from its historic, architectural and artistic interest as a building originating in the late 15th century and its development through time.

83. The building is located approximately 1km from the appeal site. The Council and appellants agree that there would be no harm to the significance of this building from the proposed development. Even the Parish Council, who raised concerns that the building was not considered in the Heritage Statement submitted with the application, do not suggest that harm would be caused to the building.

84. I have no information from any party regarding the setting of the building or the impact of the development on that setting. Neither do I have any information, beyond the listing of the property, which sets out the historical development of the property or any functional connections with surrounding land. From my own site visit it appears that the wooded parkland in which the hall sits forms an important part of the setting of the building. The building is surrounded by open agricultural fields, but the fields upon which the solar arrays would be sited would be some distance to the north of the property. These fields do not contribute to the significance of the building to any great degree.

85. Due to intervening vegetation and topography, there is minimal visual connection between the hall and the appeal site and I note that the Zone of Theoretical Visibility (within the LVIA) does not include Horham Hall. Any views of the solar arrays from the hall or its grounds would be distant and the arrays would only be seen as a darker surface area than surrounding land. This change in character would not cause harm to the significance of the building.

Thaxted Conservation Area

86. Thaxted Conservation Area is located some 2km to the east of the appeal site. On travelling towards the east from the appeal site, land rises towards the

centre of the Conservation Area and the windmill and church are prominent features sited on high land within the village.

87. The development would be viewed when travelling from the west towards Thaxted and it would change the character of the currently open agricultural land to land containing solar arrays. However, there would be no inter-visibility between the appeal site and the Thaxted Conservation Area and large areas of agricultural land would remain between the site and the Conservation Area boundary.
88. As set out earlier in this decision, the appeal site is located outside of the Area of Sensitive Rural Setting for Thaxted as defined in the TNP and the Parish Council have not drawn to my attention any views from within the Conservation Area that would be affected by the proposed development. Important views of the windmill and church on the approach to the village would not be impacted. I conclude that the development would cause no harm to the character or appearance of the Conservation Area.
89. For the reasons set out above, I have found a low level of less than substantial harm would be caused to Richmonds in the Wood, and a very low level of less than substantial harm to Loves Farmhouse and Spring Cottage. Whilst the harm would be long term in its duration, it would be reversed following decommissioning.
90. The level of harm identified would lead to some conflict with TNP policy TX HC1. It would also conflict with ENV2 of the ULP. However, neither policy reflects the balanced approach in the NPPF. I go on to address the NPPF approach in the overall balance below.

Agricultural land

91. Local Plan policy ENV5 states that development of best and most versatile agricultural land (BMV) will only be permitted where opportunities have been assessed for accommodating development on previously developed sites or within existing development limits. Where development of agricultural land is required, poorer quality land is preferred except where other sustainability considerations suggest otherwise.
92. Paragraph 174b of the NPPF requires recognition of the economic and other benefits of BMV. Footnote 58 states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of higher quality. Whilst the latter relates to plan making, I consider it is a relevant consideration for this appeal.
93. The Written Ministerial Statement (WMS) on solar energy (March 2015) states that use of BMV for solar farms needs to be justified by the most compelling evidence.
94. The Planning Practice Guidance (PPG) on renewable and low carbon energy (also dated 2015) sets out the planning considerations for large scale solar development. These include: encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land; where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal

allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

95. National Policy Statement (NPS) for Energy (EN-1) states that applicants should seek to minimise impacts on BMV and preferably use land of Grade 3b and below except where this is inconsistent with other sustainability considerations. It goes on to say that proposals should not be sited on BMV without justification. The Draft NPS for Renewable Energy Infrastructure (EN-3) (March 23) states that while land type should not be a predominating factor in determining the suitability of the site location, applicants should, where possible, utilise previously developed, brownfield, contaminated or industrial land.
96. Thus, whilst careful consideration needs to be given to the use of BMV, none of the policy or guidance set out above prohibits its use for large scale solar farms.

The site context

97. The provisional national Agricultural Land Classification (ALC) map indicates that the appeal site comprises Grade 2 agricultural land. An ALC report accompanied the application and the breakdown of ALC for the site (agreed between the Council and appellants) is set out in the SoCG for Agricultural Issues and reproduced below. Uttlesford District has a high proportion of land in Grade 2 (80.4% compared with 14.2% in England as a whole)⁵. Published strategic maps showing the likelihood of BMV indicate a high likelihood of BMV across Uttlesford (more than 60%). However, the Council also point out that within the wider Essex County area, 44% of land is Grade 3 or 4.
98. On the basis of the SoCG agreed between the Council and appellants, of the 64.5 ha appeal site, 54.9 ha of land is a mixture of Grade 2 (19 ha) or Grade 3a (35.9 ha) agricultural land. Thus, 85% of the total site area constitutes BMV. Some of the Grade 2 and Grade 3a land within the site boundary has been excluded from land to be covered by PV panels, together with some Grade 3b (which is not classified as BMV). As such, the total amount of BMV within the site area outside of the exclusion zones is 48.2 ha (16.9 ha of Grade 2, 31.3 ha of Grade 3a) or 92.2% of the site area.
99. Both the Council and the Parish Council consider that a more detailed ALC report at application stage may have demonstrated a greater proportion of BMV on the land or a greater proportion of the site falling into Grade 2. However, given the agreed high proportion of BMV on the site, I do not consider that the possibility of even higher proportions would make a material difference to my consideration of this issue.
100. I have limited information before me regarding the economic benefits of the BMV to the farm unit. From the appellants' undisputed evidence, the land is used to grow cereals and break crops, or grass and above ground crops such as stubble turnips. It is not suited for root crops. For the three-year period 2020-22 it had yields comparable with the national average. The Government's Farm Business Income data for 2021 demonstrates that, for arable farms, the agricultural income from crops only amounts to a small proportion of the overall farm income. This was not disputed by the Council's

⁵ Agricultural Land Classification report CD2.11

expert agricultural witness. No evidence has been submitted regarding the economic benefits to the farm of diversification to a solar farm. However, it is to be expected that this would be at least comparable to the arable production in this case for the scheme to be pursued.

101. Nonetheless, the development would take this land out of production for the proposed 40 year life of the solar farm. This would be a disbenefit of the appeal proposal. However, the actual hectareage of BMV which would be taken out of production for the 40 year period, even if the entire site were to comprise BMV, would be small when compared to the amount of BMV land within Uttlesford District, let alone compared with the wider County or nationally.
102. I heard no compelling evidence that taking out of production almost 55ha of BMV on the appeal site, for a 40 year duration, would have a significant negative impact on food security either on its own or cumulatively with other BMV losses, nor that it would be likely to increase imports from other countries. The Government Food Strategy, published in 2022, stated that the UK is largely self-sufficient in wheat, most meats, eggs, and some sectors of vegetable production. Nothing in the Government food strategy policy paper changes the Government's policy towards the development of BMV as set out above.

Impact on agricultural land quality

103. The SoCG between the Council and appellants states that, subject to good practice through a Soil Management Plan (SMP), soils should not be adversely affected by the installation process of the solar panels. Further, there is agreement (between those two parties) that, subject to the SMP, the solar farm will not result in any significant damage to soils and downgrading of agricultural land quality across the majority of the site.
104. The Council's concerns are that SMPs are difficult to enforce which can result soil degradation which is difficult to remedy, that the 40 year life of the development should not be seen as temporary and that some land will be lost permanently (to access tracks, inverters, batteries, switch gear and biodiversity enhancement components of the site). The Parish Council is concerned that the soil can degrade across the entire site regardless of the implementation of a SMP.
105. The solar panels would sit on legs inserted into the ground. They would not require extensive excavation or foundations and much of the installation work would be carried out using small machinery, tractors and trailers. A properly drafted SMP can ensure that the work is carried out in dry conditions to ensure minimal soil damage. Digging would be required to install the cables, but again the SMP can ensure that the subsoil and topsoil is properly replaced and as such no harm would be caused to the land quality. Once operational the land between the panels would be managed for biodiversity and by mowing or grazing. Small vehicles would be used for cleaning by water. A condition requiring a SMP is included below and there is no reason to suppose that a SMP could not be effectively worded, monitored and enforced.
106. The SMP is to include the decommissioning in order to ensure that land is restored to its original ALC grading after the decommissioning phase. There is no evidence to suggest that run-off or shading from the panels would adversely

affect agricultural land quality. There may be environmental benefits from taking the land out of intensive farming for the duration of the use. The Council have pointed to similar benefits that can arise from more sustainable farming methods, but there is no evidence that such methods would be implemented on the appeal farm if this appeal were dismissed. Nevertheless, I note that this is an evolving area of research and I do not place significant weight on these possible benefits.

107. I refer to biodiversity benefits of the proposal later in this decision, but I note here that there would be a Biodiversity Net Gain (BNG) on the site of 112%. In this respect the proposal would be consistent with the encouragement in PPG for biodiversity improvements around arrays.
108. Whilst 40 years represents a long term, generational change, the development would not represent a permanent loss of the finite BMV resource. After the 40 year period the land would be available for farming once more. The Council suggested that recent changes to the NPPF relating to future re-powering and life extension of renewable and low carbon energy developments (paragraph 155a) would make it more likely that the development would become permanent. However, I must deal with the development on the basis of what is applied for. Decisions regarding any future use of the site would be made having regard to circumstances and policies in force at that time. Even if the use was extended in the future or became permanent, the amount of BMV which would remain out of production would not cause significant harm when compared to the amount of BMV in the District overall.
109. It is agreed between the Council and appellants that 2 ha of the appeal site would be taken out of production for a combination of tracks, inverters, batteries, switch gear and woodland planting. The Parish Council considers this figure would be greater on the basis that it should include cabling trenches and piles for the panels. However, I have addressed both of those points above and am satisfied that these will not lead to the permanent loss of BMV, subject to a SMP condition.
110. I consider it unlikely that the 0.8 ha to be planted as woodland would be removed and returned to agriculture after 40 years. It is therefore likely that there would be a permanent loss of 0.8 ha of BMV to woodland. The appellants claim that the remaining areas of tracks etc. (1.2 ha) could be returned to their former ALC with restoration of the soil. Whilst this may be possible, even if this were not the case, and taking into account that BMV is a finite resource, the permanent loss of 2 ha of agricultural land would be minimal and not significant either locally or nationally.
111. In responding to the planning application Natural England had no objection to the development stating that the proposal would not appear to lead to the loss of over 20 ha of BMV. They went on to say *"this is because the solar panels would be secured to the ground with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur."* They concluded that the development is *"unlikely to lead to significant and irreversible long-term loss (of BMV) as a resource for future generations."* I agree with this assessment.
112. Accordingly, I am satisfied that the agricultural land quality of the majority of the BMV on the site would not be harmed and the loss of production from

the site would not cause notable harm to food security. Any permanent loss of BMV would be small and not significant.

Alternative sites

113. In support of the application, the appellant provided an Alternative Sites Assessment (ASA) which I go on to consider together with the criticisms of it.
114. The ASA considered the availability of previously developed sites within 4km of the electricity grid connection secured at the Thaxted Substation and included a further desktop study of land within 5 miles of Thaxted. The assessment found no previously developed sites available for a solar farm of the size proposed within the study area. Only one brownfield site, much smaller than the proposed development site (0.5ha), was identified but this would not be suitable for a development of the size proposed. A larger barracks site would be a suitable size, but it does not appear to be available and is likely to be developed for housing if it becomes so.
115. The only non-agricultural land identified comprised areas of woodland which were ruled out for landscape and planning policy reasons. Whilst the study did not specifically consider land within existing development limits, the 4km study area included a number of settlements including Thaxted.
116. It is notable that the Council has not identified any such alternative sites. Whilst they are not obliged to do so, it would seem inconceivable for them to be aware of suitable sites but not to identify them, either during the application or appeal. It is also noteworthy that Council Officers recommended approval of the application having considered the content of the ASA.
117. The ASA was carried out retrospectively once the planning application had been submitted. This may have been a valid criticism if the assessment had subsequently identified potential sites which it retrospectively ruled out, but that was not the case. The retrospective submission of the ASA does not therefore reduce the weight to be attached to it.
118. The availability of a connection to the overhead line and grid connection distance have been criticised. A grid connection offer has been secured at the Thaxted Substation, approximately 4km to the north east of the site. This will ensure that the development can quickly become operational without having to wait for a grid connection to be granted. Given the constraints in the availability of grid connections nationally, this is an important factor. It has been well documented recently that constraints on connection to the National Grid is causing significant delay in allowing projects to contribute to renewable energy goals.
119. It is therefore reasonable for the 4km distance to be used to assess alternative sites and I understand that connection difficulties can arise as the distance from the grid connection point increases. I therefore give little weight to arguments that the development should be located on unidentified lower quality agricultural land elsewhere in Essex or beyond.
120. It has been suggested that alternative sites which are smaller than the appeal site should have been considered. However, there is no requirement in national or local policy for developers to seek smaller sites or to fragment their proposed operations. The availability of alternative forms of renewable energy, such as wind, has been raised. The Government's Policy Statements make

- clear that both wind and solar will be required to meet the significant need to increase renewable energy generation to meet legally binding net-zero targets.
121. It has been suggested that rooftops should have been considered. Again, no national or local policy requires solar farms to consider rooftop locations in preference to BMV and it is likely that both ground mounted and rooftop panels will be needed to meet the Government's target of 70GW of solar power by 2035 and the requirement for net-zero by 2050.
122. The evidence demonstrates that there are no suitable, alternative sequentially preferable sites within the search area capable of accommodating the proposed development. The development has therefore complied with the requirement in ENV5 to assess previously developed sites and land within existing development limits in the first instance.
123. Policy ENV5 states that where development of BMV is required, poorer quality land is to be preferred and this reflects the national policy and guidance referred to above. As set out above, the wider area of Uttlesford is primarily identified as Grade 2 agricultural land and, within the 4km study area, only land along watercourses is undifferentiated Grade 3 land. The Local Plan sets out that the Grade 3b land within the District tends to be important to the character and biodiversity of the area. Based on the provisional national ALC map, there is therefore no clearly available land of lower ALC than the appeal site that could be utilised for the development.
124. The only way of definitively identifying whether other land within the 4km search area is of a lower quality would be to undertake detailed field studies. However, it would not be proportionate to require developers of individual sites to undertake wide ranging studies of this nature to justify their proposals. Nothing in either local or national policy requires them to do so, and NPS EN-1 sets out that the consideration of alternatives should be carried out in a proportionate manner.
125. The ALC report accompanying the application considers a larger area than the appeal site. Within the larger area 43 ha of Grade 2 land was identified. In the appeal development 16.9 ha of this Grade 2 land would be covered with panels. For Grade 3a, 57 ha were identified within the larger area and 31.3 ha would be covered with panels. Whilst the area excluded from panels in the application site also includes some Grade 3b land, 4.1 ha of 16 ha identified in the larger area would be utilised. It can be seen therefore that, whilst a significant proportion of the appeal site would involve the development of BMV, a large amount of Grade 2 and Grade 3a has been excluded from the appeal site or from panel coverage within the site.
126. The majority of the development would not be located on poorer quality land, in this respect it would conflict with local and national policy. However, the above factors moderate the weight I give to this conflict.
127. Reference has been made to a number of appeal and other decisions. In Appeal Ref: APP/F1040/W/22/3313316 it was clear that the surrounding area did include significant areas of Grade 3 agricultural land. The potential availability of an alternative site in that case also formed part of the consideration. In s62A/2002/0011, no mention is made of a grid connection offer as a justification for the 4km search distance in the ASA, a factor which I

have found to be important in this case. The ASA was also found not to have had regard to the proximity of the site to a different local authority area.

128. In appeal APP/K2610/W/21/3278065 the approval of a solar farm on an alternative site using less BMV was a significant factor. Similar considerations in relation to the availability of lesser value agricultural land were taken into account in APP/D3505/A/13/2204846. I note the latter appeal was determined in 2014 and, whilst Government policies on the use of BMV are similar now to those in place at that time, the policy and legal context in relation to climate change has altered significantly. The same can be said of the Secretary of State decision in APP/M2270/A/14/222655 dated 2015. This limits the weight that I place on these older decisions.
129. On the other hand, a number of decisions, including recent Secretary of State decisions for Development Consent Orders, have been drawn to my attention where the use of BMV has been accepted for large scale solar farms. As the decisions before me pull in different directions and are based on different circumstances it is unhelpful to place undue reliance upon them and I have based my conclusions on the circumstances of the case before me.
130. Bringing together the above, I have concluded that the agricultural land quality would not be harmed and the BMV resource would not be lost to future generations. Nevertheless, the land would be taken out of agriculture for 40 years and there would be conflict with national and local policy which seeks to direct development away from BMV where possible. I therefore conclude overall that this matter weighs moderately against the development.

Other Considerations

Need for renewable energy

131. The Climate Change Act 2008, as amended, sets a legally binding target to reduce net greenhouse gas emissions from their 1990 level by 100% to reach Net Zero by 2050. There is also a need to reduce reliance on imported fossil fuels in the interests of energy security and to ensure less volatile energy prices for UK consumers. The national need for renewable energy developments in this context is not disputed in this appeal.
132. NPS for the delivery of major energy infrastructure are material considerations in the determination of planning proposals. The NPSs EN-1 and EN-3 do not specifically refer to solar generated power, but they do set out the urgent need for renewable energy electricity projects to be brought forward. Draft updates to NPSs EN-1 and EN-3 identify, as part of the strategy for the low-cost decarbonisation of the energy sector, solar farms which they see as providing a clean, low cost and secure source of electricity.
133. There have been a number of Government policy statements and commitments produced in relation to energy and climate change in recent years. These include the Energy White Paper: Powering our Net Zero Future (2020), the Net Zero Strategy: Build Back Greener (2021), which sets an ambition for the UK to be powered entirely by clean energy by 2035. Powering Up Britain was published on 30 March 2023. This recognises that moving to a system that relies primarily on low carbon technologies is crucial to deliver cheaper, cleaner, domestic energy. One of its goals is to increase solar power fivefold by 2035. It recognises that both ground mounted and rooftop solar will

- need to be maximised to achieve this target. It notes that ground-mounted solar is one of the cheapest forms of electricity generation and is readily deployable at scale.
134. Powering Up Britain reiterates that large scale solar farms should be mainly on brownfield, industrial and low / medium grade agricultural land. However, it makes clear that the Government will not be making changes to the ALC classifications in ways that might constrain solar development.
135. In a local context, the Essex Climate Action Commission, set up by Essex County Council, recommended that Essex should produce enough renewable energy within the County to meet its own needs by 2040. Uttlesford District Council declared a climate emergency and ecological emergency in 2019. Its Climate Crisis Strategy commits to achieving net-zero carbon status by 2030.
136. ULP policy ENV15 only relates to small scale renewables and there is no local policy relating to large scale renewables developments. The Council produced a supplementary planning document 'Solar Farms' in 2021. This indicates that solar farms need to be considered on the basis of national planning policy.
137. Paragraph 152 of the NPPF sets out that the planning system should *"support renewable and low carbon energy and associated infrastructure."* Paragraph 158 sets out that Local Planning Authorities should *"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."* It also states that Local Planning Authorities should *"approve the application if its impacts are (or can be made) acceptable."*
138. Whilst my attention has been drawn to speeches by MPs on the issue of renewable energy, these are not current statements of Government policy and I therefore give minimal weight to them.
139. The proposed development would generate approximately 40 MW of renewable energy which, over the course of a year, could provide approximately enough energy to power over 13,291 homes and displace approximately up to 8,986 tonnes of carbon dioxide per year.
140. I note that the number of solar farms consented in or close to the District recently has added to the local renewable energy generation capacity beyond that set out in the appellants' evidence. Nevertheless, total capacity would still not be sufficient to meet the 2019 electricity demand in the District. And the 2019 demand level does not factor in likely increases in electricity demand in future.
141. Moreover, it seems clear that, in order to achieve the national, legally binding Net Zero target, a significant increase in renewable energy such as solar will be needed across the board. This applies even in areas where there are already a number of solar farm developments, subject of course, to the consideration of its impacts. As stated earlier a grid connection offer has been secured for this development. This will ensure that the development can quickly make a significant contribution towards these legally binding Net Zero targets. Accordingly, I give substantial weight to the generation of renewable energy, the contribution the development would make to a low carbon economy and the provision of low cost and secure energy.

Biodiversity

142. The application was accompanied by an Ecological Impact Assessment (EIA) and further information relating to breeding birds and an Arboricultural Impact Assessment. The EIA concluded that the existing arable fields have limited ecological importance. Positive benefits of establishing grassland on the site would be likely to result in a positive impact upon biodiversity.
143. Natural England's response to the application confirms that the development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. I also note that the Council has not raised objections on these grounds. Conditions are imposed relating to ecology and biodiversity including the requirement for a long-term management plan. A condition is also imposed relating to Skylark mitigation. I am satisfied that any residual risk can be satisfactorily overcome by the imposition of these conditions and the proposal would comply with ULP policy ENV8 and TNP policy TX LSC3.
144. The Overarching Statement of Common Ground sets out the agreement between the Council and appellants that the proposed development would have a Biodiversity Net Gain (BNG) of +206.49 Habitat Units (a net gain of over 165%) and +5.94 Hedgerow Units (a net gain of 10.99%). I note, however, that the appellants' Planning evidence cites a net gain of +152.82 Habitat Units (112%) and +20.43 Hedgerow Units (42.77%) using the updated Biodiversity Metric 4.0. Whilst BNG will be a requirement of the Environment Act 2021, the minimum requirement is currently set at 10%. Even taking the appellants' evidence, a gain of 112% is a further benefit of the scheme. This benefit would endure beyond the operational life of the proposal and would be unlikely to be realised in the absence of the proposed development. This attracts significant weight in favour of the proposal.

Drainage and flooding

145. The site is located within Flood Zone 1, with the least risk or probability of flooding. The application was accompanied by a Flood Risk Assessment which concluded that the site would drain as close as possible to the existing situation with run-off intercepted by filter trenches adjacent to the proposed internal access roads and swales at low points of the site to collect and slow surface water run-off prior to discharging to existing drainage ditches or watercourses.
146. Further information was submitted which proposes woodland planting around Waterhall Farm and an attenuation pond to the south west of that property. These features would intercept surface water run-off and increase infiltration rates around the property.
147. The Lead Local Flood Authority raised no objections to the application subject to the imposition of a condition and the Council do not object on these grounds. I am satisfied that the FRA and additional information provides a robust assessment and that the detailed scheme would be covered by a condition. In this regard, the proposal would accord with the NPPF and ULP policy GEN3 relating to flood protection

Fire safety

148. The application includes battery storage and concerns have been raised regarding the potential fire risk of such facilities, including the proximity to the high-pressure gas pipeline which crosses part of the site.
149. The PPG has been updated in relation to Battery Energy Storage Systems (BESS). The PPG notes the flexibility and cost-effectiveness of providing BESS which allows for the maximisation of usable output from intermittent low carbon generation. Applicants and Local Planning Authorities are encouraged to consult local fire and rescue services prior to planning permission being granted.
150. No such consultation has taken place in this case. Nevertheless, an Outline Fire Safety Management Plan was submitted during the application stage. This explains that the safety of solar farms is governed by a number of non-planning regulatory regimes. A detailed design will be provided in advance of construction of the BESS to demonstrate that it will be constructed and operated safely.
151. The consultation response from the Council's Environmental Health Officers did not raise fire risk as a concern and the Council did not object to the appeal on this basis. Officers recommended approval of the development having had regard to the information submitted by the applicant. In addition, I note that Exolum, the operator of the fuel pipeline, did not object to the application.
152. A condition is imposed to ensure that a Battery Safety Management Plan (BSMP), including a Fire Safety and Emergency Response Plan, is submitted. This must involve consultation with Essex County Council Fire and Rescue Service and the Health and Safety Executive. There is no compelling evidence to suggest that it would not be possible to meet the requirements of these bodies.
153. I note the conclusion of the Inspector in appeal APP/Y1138/W/22/3293104 *"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 BESS which should weigh against the proposal in the planning balance."* The Secretary of State agreed with this approach.
154. Having considered the evidence in this case, I concur with the Inspector, and Secretary of State, in the above appeal and conclude that this matter does not weigh against the granting of planning permission in this case.

Glint & glare

155. The appellants have submitted a glint and glare assessment to consider the possible effects upon aviation traffic associated with Stanstead Airport. The study concludes that there would be no impact on aviation safety and this was not disputed by the Council. The study does not specifically relate to potential impacts on the surrounding area. However, a condition is imposed requiring approval of external specifications and materials and I have reworded this to

ensure that the materials are suitably non-reflective. This will ensure that no harmful effects arise in this regard.

Other matters raised

156. It is inevitable that the construction activity would result in noise and disturbance to local residents along the construction access route and those properties closest to the appeal site. However, this would be time limited and can be kept to a minimum by the imposition of conditions relating to construction management and hours. Noise from batteries and inverter units can be controlled by the imposition of suitable conditions which would ensure compliance with ULP policy ENV11 and GEN4. I note that the Council's Environmental Health Officers did not object to the proposal on the grounds of noise.
157. Outlook from Richmonds in the Wood and Waterhall Farm would be altered as a result of the proposed development, but the intervening agricultural land and proposed screening would ensure that no significant harm would be caused to the outlook from those properties. Subject to a number of the conditions imposed, the proposals would not conflict with ULP policy GEN2 which is a general design policy.
158. The Council's Highway Officers did not object to the development on highway safety grounds and I have no reason to disagree with this conclusion. Concerns have been raised in relation to the manufacture of PV panels but I have little objective evidence to suggest that this should be a significant factor in my determination. Whilst it has been claimed that there would be no benefits to the local community, everyone will benefit in the long-run from cheaper renewable energy and reduced reliance on fossil fuels.

Overall balance and conclusions

159. NPS for Energy (EN-1) advises that when *"having regard to siting, operational and other relevant constraints the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate."* It further states that a judgement is to be made as to *"whether any adverse impact on the landscape would be so damaging that it is not offset by the benefits (including need) of the project"* having regard also to whether the project is temporary and/or capable of being reversed.
160. Therefore, national policy recognises that large scale solar farms may result in some landscape and visual harm. However, it adopts a positive approach to such developments indicating that they can be approved where the impacts are, or can be made, acceptable and where the harm is outweighed by the benefits. I note that the Council's planning and landscape officers, in recommending approval of the proposal at the application stage, considered that the adverse impacts of the scheme would be mitigated in time by the proposed planting such that it would be consistent with the NPPF and relevant development plan policies.
161. In my judgement, through a combination of topography, existing screening and landscape mitigation, the adverse effect on landscape character and visual impact would be localised and moderate other than in very close proximity to the site. Moreover, as the existing and proposed planting matures, adverse effects would be progressively mitigated in most locations and once

- decommissioned there would be no residual adverse landscape effects with the enhanced landscape and biodiversity likely to endure. Whilst there would be conflict with ULP policy S7 and TNP TX LSC1, I have given moderate weight to the localised harm that would be caused.
162. Turning to heritage matters, Sections 66 and 72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged. Section 66 requires the decision maker to pay special regard to the desirability of preserving listed buildings, their settings, and any architectural features they may possess. Section 72 requires the decision maker to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
163. Whether a proposal results in substantial or less than substantial harm to the significance of a heritage asset, NPPF paragraph 199 requires the decision maker to attach great weight to its conservation. Paragraph 202 says that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm is to be weighed against the public benefits of the proposal.
164. The proposal would result in less than substantial harm at the low and very low end of the scale to the heritage significance of three heritage assets. In relation to the Thaxted Conservation Area as a whole, the proposal would preserve its character and appearance. In this context, recognising that considerable importance and weight must be attached to the conservation of a heritage asset, I consider the very significant public benefits I attach to the provision of renewable energy, together with the BNG benefits to which I have attached significant weight, clearly and decisively outweigh the less than substantial harm to the heritage assets involved. There would be conflict with ULP policy ENV2 and TNP policy TX HC1, however the weight I give to this conflict is moderated as they do not reflect the above balanced approach of the NPPF.
165. Turning to the issue of agricultural land, national and local policy seeks to discourage development of BMV, preferring previously developed land or poorer quality land rather than that of higher quality. I have attached moderate weight to the loss of productivity of that land for the 40 year period and the resultant conflict with ULP policy ENV5 and national policy and guidance. That said, nothing in local or national policy puts a moratorium on the development of such land where that has been found to be necessary.
166. I recognise that the 2015 WMS requires the most compelling evidence for the development of solar farms on BMV. However, this must be read in light of more up to date events. This includes Parliament's declaration in 2019 that the UK is facing a climate change emergency; the support in the NPPF, most recently amended in 2023, for renewable development; the statements in several policy documents on energy and climate change issued since 2015, as set out above; and the draft NPS EN-1 and EN-3. It must also be viewed against the increasing imperative to tackle climate change, and to meet the legally binding Net Zero targets. Together with the specific considerations in this case, I conclude that these factors provide the most compelling evidence to justify the use of BMV in this instance.
167. I have identified conflict with relevant ULP and TNP policies. The development would not therefore comply with the development plan as a

whole. The ULP in particular is now of some age, and I have noted that there is no policy relating to large scale solar farms. Nevertheless, this does not mean that there are no relevant development plan policies. Neither does it mean that the most relevant policies are necessarily out of date, although I have given greater weight where necessary to the NPPF. I therefore need to determine the appeal in accordance with the development plan unless material considerations indicate otherwise.

168. Bringing together the above, I conclude that the substantial weight to renewable energy generation and significant weight from BNG improvements are material considerations of sufficient weight to outweigh the harms I have identified. This justifies allowing the appeal other than in accordance with the development plan in this instance.

Conditions

169. The main parties discussed the conditions during the inquiry. The final draft wording of the conditions (including those with pre-commencement requirements) was agreed between the Council and appellants after the final sitting day of the inquiry and before the inquiry was closed in writing.

170. I have had regard to the comments received from the Parish Council on the draft conditions. For a number of conditions the Parish Council requests that they be consulted when details are submitted for approval. It would be for the Council to determine whether they wish to set up such informal consultation processes with the Parish Council within the time constraints for discharging conditions. It is not a matter for me in this appeal and I have not therefore included any such wording in any of the conditions.

171. I have amended the wording where necessary having regard to the tests set out in paragraph 56 of the NPPF and to assist with clarity. The numbers in brackets relate to the condition in the attached annex.

172. The standard time limit (1) and plans (2) conditions are necessary to provide certainty. I have included reference to the revised Landscape Strategy Summary of Changes submitted as an inquiry document for the avoidance of doubt as to the approved landscaping scheme (also added as an amendment to condition (4)). A condition (3) is required to ensure the precise details of the final development are submitted in the interests of certainty. I have included the use of non-reflective materials as set out above, in the interests of the character of the area and to protect the living conditions of nearby residents. Landscaping details are required (4) to protect the character of the area. I have included that this should be carried out within the first planting season following completion of construction as this will ensure that it is completed in a timely manner but that new landscaping will not be damaged by construction activity.

173. Conditions (5) and (6) are required to ensure that biodiversity mitigation and enhancement as detailed in the specified reports submitted with the application. I have added a timescale for implementation to be agreed with the Local Planning Authority to condition (5). The number of Skylark nest plots will be agreed with the Council as part of the strategy. I have altered the wording to remove the requirement for a legal agreement as it is not appropriate to require a legal agreement via a condition. The mechanism for securing the measures will need to be included in the Mitigation Strategy. I have also

altered the wording of the condition such that the long term maintenance and retention of the Skylark nest plots is agreed with the Council having regard to the submitted details of the final scheme.

174. Condition (7) relates to a Landscape and Biodiversity Management Plan (LBMP). I have altered the timescale for submission in order to ensure that it relates to the implementation of conditions (5) and (6). I have also included a clause to ensure prevention of harm to the Debden Green Special Roadside Verges. This condition is required to ensure long term maintenance of the landscaping and biodiversity enhancement measures in the interests of the character of the area and the protection and enhancement of biodiversity. Condition (8) relates to lighting and is necessary in the interests of the character of the area and biodiversity.
175. A condition is required (9) to ensure the submission of a Battery Safety Management Plan (BSMP) in the interests of public safety. It is appropriate for the BSMP to be submitted and agreed prior to the commencement of the Battery Energy Storage System (BESS) to which it relates. It would be in the appellants' interests to agree this with the relevant fire authorities as early as possible to avoid any post construction alterations to the site. Nevertheless, the condition as worded would ensure that the relevant authorities would need to be satisfied with the BESS prior to its construction. The additional wording suggested by the Parish Council is unnecessary as it is to be expected that the relevant authorities would seek to ensure that all relevant legislation and standards are met at the time.
176. A condition is imposed requiring a Construction Traffic Management Plan (10). The wording of the condition would ensure satisfactory protection and management of the public rights of way through the site.
177. Conditions are imposed requiring pre and post highway condition surveys including any measures for necessary repair works (11), timing of construction traffic and deliveries (12), surfacing materials of vehicular accesses (13), closure of temporary construction accesses and crossings and reinstatements of public rights of way (16), construction access details (17), details of gates on the Bolford Street access (19), public rights of way management plan to be submitted (20).
178. A condition relating to the construction and operational access from the byway leading to Richmonds in the Wood is required (18). It was agreed at the inquiry that this would include the investigation of whether existing gaps in the hedgerows could be utilised for the access points in the interests of the character of the area. I have altered the wording slightly to ensure that this is a consideration for all of the access points along the byway.
179. All of the above conditions are required in the interests of highway safety and / or local amenity. Timing of construction work is detailed in condition (15) also in the interests of local amenity.
180. In the interests of biodiversity and local amenity, a Construction Environmental Management Plan (CEMP) is required (14). Watercourse pollution protection is included in this condition. Notwithstanding the wording of condition (22) below, I have included the wording relating to surface water and groundwater flooding requested by the Lead Local Flood Authority and the Parish Council, as this specifically relates to the construction period.

181. A condition is required to ensure adequate drainage and flood protection (22). Wording has been suggested by the Parish Council that there should be no increased surface water flow to adjacent watercourses at Waterhall Farm. Increased surface water would only create a problem at Waterhall Farm if it increased the risk of flooding. The condition already includes wording to ensure that surface water does not increase offsite flooding as a result of the development. The additional wording is not therefore necessary and I share the appellants' concerns that it would be difficult to enforce. However, I agree with the Parish Council that the implementation of the surface water drainage scheme should be linked to the construction of the development as that is when the impact would be created. I have altered the implementation timing accordingly.
182. An Archaeological Management Plan is required in order to ensure the protection of any such heritage assets (21). A condition is required to ensure the submission and implementation of a Bird Hazard Management Plan in order to ensure aviation safety at Stanstead Airport (23). Condition (24) requires a noise survey in the interests of local amenity. I note that the agreed wording has included low frequency noise. Other wording has been suggested by the Parish Council. The scope of the survey must be agreed with the Local Planning Authority, it requires noise levels at the boundaries of agreed noise sensitive receptors to be 5dB (LAeq) below the existing background level and ensures that any plant that fails to comply must not be used until it is able to comply. I do not consider that further restrictions, including a requirement for testing and monitoring, would be necessary or reasonable. It is to be expected that, if noise becomes a problem to local residents, they would bring this to the attention of the Council.
183. The requirement for a Soil Management Plan (25) has been set out in the reasoning above. I have made some minor alterations to the wording to ensure precision. For the avoidance of doubt, condition (27) clarifies the time limited nature of the proposal for 40 years. I have altered the wording of this condition to ensure it is precise. In the interests of public amenity, condition (26) requires the submission and implementation of a detailed Decommissioning Method Statement prior to the development ceasing. The wording of this condition would meet the tests for conditions in the NPPF.

Conclusion

184. For the reasons set out above, I conclude that the appeal should be allowed.

Susan Heywood

INSPECTOR

Annex 1 – Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the details shown on the following approved plans: Site Location Plan ref. LCS023-SP-01 Rev 5, Development Zones Plan ref. LCS023- DZ-02 Rev 09, Indicative Site Layout Plan ref. LCS023-PLE-01 Rev 13 and Planting Strategy ref. P20-1298_09 Rev C (as amended by Landscape Strategy Summary of Changes Inquiry Document 14), except as controlled or modified by the conditions of this planning permission.
- 3) Prior to the commencement of the development, full details of the layout and appearance (including the specification and colours of suitably non-reflective external materials to be agreed) of the development, including the solar arrays, inverters, batteries, DNO substation, access tracks, CCTV cameras, fencing, and other associated infrastructure must be submitted to and approved in writing by the local planning authority. The details must not exceed the maximum dimensions shown on plan refs. LCS-SD-01 Rev 02 (DNO Substation Elevations and Dimensions Plan), LCS-SD-02 Rev 02 (Customer Substation Elevations and Dimensions Plan), LSC-SD-03 Rev 01 (Indicative CCTV Post-Standard Drawings), LSC-SD-04 Rev 02 (Security Fence and CCTV Standard Detail), LCS-SD-07 Rev 01 (Indicative Deer Fence Standard Detail), LCS-SD-08 Rev 02 (Inverter Elevations and Dimensions Plan), LCS-SD-17 Rev 01 (Panel Arrangement 4 Landscape 29.5 Degree Tilt) and LCS-SD-19 Rev 01 (40ft Battery Container (HVAC on Roof) Standard Detail). The development must be constructed and operated fully in accordance with the approved details.
- 4) Prior to commencement of development, full details of the hard and soft landscaping shown on the Landscape Strategy Plan Ref. edp7983_d007a (as amended by Landscape Strategy Summary of Changes Inquiry Document 14), must be submitted to and approved in writing by the local planning authority. The details must include:
 - finished site levels;
 - soft landscaping, including plant types and densities across the site and within the Public Rights of Way corridors;
 - a planting programme;
 - hard landscaping, including the material used for access tracks, parking areas and turning circles; and
 - the type and location of fencing, gates and any other means of enclosure.

The details must be implemented as approved and the soft landscaping carried out within the first relevant planting season following the completion of the construction phase of the development.

- 5) Prior to the commencement of development, full details of the biodiversity mitigation and enhancement measures, including a Biodiversity Plan, must be submitted to and approved in writing by the local planning authority. The details must be in accordance with the

Clarkson & Woods Ecological Impact Assessment (May 2021), the Clarkson & Woods Breeding Bird Survey (Addendum to Ecological Impact Assessment) (July 2021), the additional information on biodiversity provided by Clarkson & Woods dated 16 September 2021 and provided by Pegasus dated 14 March 2022. The details shall be implemented as approved within a timescale to be approved by the Local Planning Authority.

- 6) Prior to the commencement of the development, a Skylark Mitigation Strategy must be submitted to and approved in writing by the local planning authority to compensate the loss of any Skylark territories at the site.

The Skylark Mitigation Strategy must include provision of the evidenced number of Skylark nest plots, and the mechanisms to secure these in nearby agricultural land, prior to commencement of the development.

The content of the Skylark Mitigation Strategy must include the following details:

- the purpose and conservation objectives for the proposed Skylark nest plots;
 - a detailed methodology for the Skylark nest plots following Agri-Environment Scheme option: 'AB4 Skylark Plots';
 - locations of the Skylark nest plots shown on appropriate maps and/or plans; and
 - the persons or body responsible for implementing the Skylark Mitigation Scheme
 - the timescale for retention and any long term management.
- 7) Prior to the implementation of the soft landscape scheme and biodiversity mitigation and enhancement measures, a Landscape and Biodiversity Management Plan (LBMP) must be submitted to and approved in writing by the local planning authority. The LBMP must include details of the following:
- the landscape and biodiversity features, including public rights of way corridors, to be maintained and managed;
 - measures to prevent harm to the Debden Green Special Roadside Verges;
 - biodiversity constraints on site that may influence maintenance and management;
 - a maintenance and management plan, setting out the aims and objectives for management of the site and how those aims and objectives will be achieved;
 - a work schedule, including an annual work plan capable of being carried forward over a five-year period;
 - a monitoring plan, setting out how any remedial action will be identified, agreed and actioned and measures for ongoing monitoring and remedial action as required;

- the body or organisation responsible for implementation of the maintenance and management plan, work schedule and monitoring plan, including a point of contact; and
- the funding mechanism by which the maintenance and management plan, work schedule and monitoring plan will be secured.

The details must be implemented as approved.

- 8) Prior to the commencement of the development details of any external lighting to be used in the operational phase of the development, including measures to minimise impacts on biodiversity (including bats), must be submitted to and approved in writing by the local planning authority. The details must be implemented as approved.
- 9) Prior to the commencement of the construction of the Battery Energy Storage System (BESS), a Battery Safety Management Plan (BSMP), including a Fire Safety and Emergency Response Plan, must be submitted to, and following consultation with Essex County Council Fire and Rescue Service and the Health and Safety Executive, approved in writing by the local planning authority. The BESS shall be constructed and operated in accordance with the approved BSMP.
- 10) Prior to the commencement of the development, a Construction Traffic Management Plan (CTMP) must be submitted to, and following consultation with the highway authority, approved in writing by the local planning authority. The plan must be in accordance with the principles of the CTMP submitted as part of the planning application (September 2021, Rev A) and must include details of the following:
 - construction traffic access routing to the site;
 - site access arrangements;
 - swept paths and visibility splays at the site accesses;
 - the types of construction vehicles accessing the site and vehicle frequency;
 - investigations of the feasibility to utilise existing hedgerow gaps within the site to accommodate temporary construction access routes;
 - temporary construction access routes within the site;
 - arrangements for construction worker parking;
 - traffic management measures;
 - temporary highway signage;
 - measures for protection, maintenance and management of the public rights of way (PRoW) network during construction, including a plan showing the position and widths of PRoW, proposed crossing points, use of banksmen, signage, fencing, gates and how surfaces will be protected and maintained at crossing points to ensure the safety and convenience of users of the PRoW network; and
 - Pre- and post-construction conditions surveys of the public highway network shown on Figure 5 plan ref. P20-1298 of the CTMP (September 2021, Rev A), including the public highway

adjacent to the southern operational access and structure 2160 Waterhall Bridge and the PRoW network affected by the development.

The approved CTMP must be implemented as approved throughout the construction phase of the development.

- 11) Prior to the commencement of development, the pre-construction highway condition survey detailed within the approved CTMP (Condition 11), must be completed in conjunction with the highway authority and the results of the survey submitted to and approved in writing by the local planning authority.

Following the completion of the construction phase of the development, the post-construction condition survey detailed within the approved CTMP must be completed in conjunction with the highway authority and the results of the survey submitted to and approved in writing by the local planning authority. Any repair works identified by the approved post-construction survey must be carried out within 3 months of the completion of the construction phase of the development to a programme agreed with the local planning authority.

- 12) Construction traffic and delivery vehicles must be programmed to arrive and depart outside the peak hours of 07:30 – 09:30 and 16:30 – 18:30 Monday to Thursday and 07:00 – 15:00 on Fridays (to avoid market day in Thaxted).
- 13) No unbound material must be used in the surface treatment of the vehicular accesses within 16 metres of the public highway boundary.
- 14) Prior to commencement of development, a Construction Environmental Management Plan (CEMP) must be submitted to and approved in writing by the local planning authority. The CEMP must include details of the following.
- the contact details for the appointed contractor;
 - the construction programme;
 - biodiversity protection measures, including the identification of 'biodiversity protection zones', the roles and responsibilities of an Ecological Clerk of Works or other similarly competent person(s);
 - watercourse pollution protection measures;
 - surface water drainage measures including a scheme to minimise the risk of offsite flooding caused by surface water runoff and groundwater during construction works;
 - noise, dust and pollution control measures, including monitoring and recording;
 - the location of construction compound(s); construction worker welfare facilities and laydown and materials storage;
 - construction fencing, hoardings and screenings;
 - construction lighting, including measures to minimise impacts on biodiversity (including bats)
 - site signage

- wheel wash facilities and any other measures to keep the public highway clear of dirt and debris;
- the contractor's membership of the Consideration Contractors Scheme; and
- a complaints procedure, including point of contact and how complaints will be recorded and responded to.

The approved CEMP must be implemented as approved throughout the construction phase of the development.

- 15) Construction work must only take place between the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays and a no time on Sundays, Bank or Public Holidays.
- 16) Upon completion of the construction phase of the development, the temporary construction accesses detailed within the approved CTMP must be permanently closed and any crossings of public rights of way (PRoW) removed and those sections of the PRoW reinstated. The details must be agreed in writing with the local planning authority and implemented as approved prior to the first commercial export of electricity from the development to the electricity grid network.
- 17) Prior to the commencement of the development, the construction access from Bolford Street, shown on Figure 1 plan ref. P20-1298 Rev A of the CTMP (September 2021, Rev A) , and entirely separate from public right of way (ProW) 49/14, must be provided, including a minimum 6 metre width, 10 metre radii and clear to ground visibility splays with dimensions of 2.4 metres by 215 metres in both directions, as measured from and along the nearside edge of the carriageway in addition to an appropriate dropped kerb vehicular crossing of the highway verge. The visibility splays shall be retained free of any obstruction thereafter. A minimum 2 metres effective width of ProW 49/14 to the public highway must be maintained.

Upon completion of the construction phase of the development, the construction access from Bolford Street must be reduced to a size appropriate for the operational phase of the development, including maintenance and access by emergency vehicles and incorporate the reinstatement to full height of the highway verge. The details must be agreed in writing by the local planning authority, following consultation with the highway authority, prior to completion of the construction phase of the development. The details shall be implemented as approved prior to the first commercial export of electricity from the development to the electricity grid network.

- 18) Prior to the first commercial export of electricity from the development to the electricity grid network, details of the operational access from the unnamed single track road leading to Richmonds in the Wood to Development Zone 6 (shown on Development Zones Plan ref. LCS023-DZ-02 Rev 09) (also referred to as the southern operational access), must be submitted to the local planning authority for approval in writing. The details must include investigations of the feasibility to utilise existing hedgerow gaps along the unnamed single track leading to Richmonds in the Wood to accommodate the southern operational access. The southern operational access must include a minimum 4.9 metre width, 6

metre radii and clear to ground visibility splays, as measured from and along the nearside edge of the carriageway, in addition to an appropriate vehicular crossing of the highway verge. The visibility splays shall be retained free of any obstruction thereafter.

- 19) Any gates provided at the Bolford Street access shall be inward opening only and shall be set back a minimum of 16 metres from the back edge of the carriageway. Any gates provided at the southern operational access shall be inward opening only and shall be set back a minimum of 8 metres from the back edge of the carriageway.
- 20) Prior to the commencement of the development, a public rights of way (PRoW) management plan must be submitted to and approved in writing by the local planning authority. The PRoW management plan must include the following details:
 - the definitive widths of the PRoW within the site;
 - the 10 metre wide PRoW corridors within the site;
 - the boundary planting either side of the definitive widths of the PRoW (the new boundary planting adjacent to the PRoW must be planted a minimum of 3.5 metres back from the definitive width of the PRoW) and how this will be maintained;
 - how any vehicular crossing points of the PRoW within the site will be treated to provide priority and safe crossing for users of the PRoW and the surface protected and maintained to a suitable level for the safe and convenient use.

The approved details must be implemented throughout the operational phase of the development.

- 21) Prior to the commencement of the development, an Archaeological Management Plan (AMP) must be submitted to and approved in writing by the local planning authority. The AMP must include the following details:
 - a programme and methodology of site investigation and recording of any archaeological deposits;
 - an assessment of their significance;
 - a programme for post-investigation assessment;
 - the provision to be made for analysis of the site investigation and recording;
 - the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - the provision to be made for archive deposition of the analysis and records of the site investigation;
 - a competent person or persons/organisation to undertake the works set out within the AMP.

The development must be carried out in accordance with the approved AMP.

- 22) Prior to the commencement of the development, a detailed surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the site,

must be submitted to and approved in writing by the local planning authority. The scheme must include but not be limited to the following:

- verification of the suitability of infiltration of surface water for the development. This should be based on infiltration tests that have been undertaken in accordance with BRE 365 testing procedure and the infiltration testing methods found in Chapter 25.3 of The CIRIA SuDS Manual C753;
- provide check dams in the proposed swales to promote site infiltration and reduce the risk of flooding in the downstream watercourse;
- limit discharge rates to 1:1 Greenfield runoff rates for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change;
- provide sufficient storage to ensure no offsite flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event;
- demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event. In case the drain down time is more than 24 hours then demonstrate that features are able to accommodate a 1 in 10 year storm event within 24 hours of a 1 in 30 year event plus climate change;
- final modelling and calculations for all areas of the drainage system; and
- provide an updated written report summarising the final scheme and highlighting any minor changes to the scheme.

The scheme must be implemented as approved upon completion of the construction phase of the development.

- 23) Prior to commencement of the works to form the balancing pond to the north-west of Waterhall Farm shown on plan ref. P20-1298 Rev 003 (Proposed Pond Location), a Bird Hazard Management Plan, including a landscape plan to deter birds, must be submitted to and approved in writing by the local planning authority, in consultation with Stansted Airport. The development must be carried out in accordance with the approved plan.
- 24) Prior to the commencement of the development, a noise survey must be undertaken to establish the typical existing background noise level at the site. The scope of the noise survey and the survey locations, including Noise Sensitive Receptors (NSRs), must be agreed in writing by the local planning authority prior to the survey being undertaken. The survey results must be submitted to the local planning authority prior to the commissioning and testing of the development.

Any fixed plant, including inverters, batteries, generators and transformers, must be operated so that the noise level at the boundaries of the agreed NSRs achieves a rating level of 5dB (LAeq) below the typical existing background level (inclusive of any penalty for tonal, impulsive, low frequency or other distinctive acoustic characteristics) when measured or calculated according to the provisions of

BS4142:2019. The measurement parameters must include the LA90, LAeq, LA Max and 1:1 frequency analysis, and appropriate corrections shall apply in accordance with BS4142:2019 or any subsequent update to this standard or new standard.

Should any item of plant fail to comply with the above rating level, it must be switched off and not used again until it is able to comply. The use of the item of plant must not re-commence until a fully detailed noise survey and report has been submitted to and approved in writing by the local planning authority and approved mitigation measures such as acoustic screening or silencers have been implemented. The item of plant must be serviced in accordance with manufacturer's instructions and as necessary to ensure that the requirements of this condition are maintained at all times.

- 25) Prior to any site clearance, or the commencement of the development, a Soil Management Plan (SMP) must be submitted to and approved in writing by the local planning authority. The SMP shall be prepared by a suitably qualified soils and agriculture expert. All development and site clearance shall be carried out in accordance with the approved SMP. Before decommissioning commences, the expert should review the SMP and make recommendations as to measures necessary to ensure the land is restored to its original condition at decommissioning, taking into account any updates in statutory or policy requirements.

The following details must be included in the SMP:

- soil resource survey;
- site preparation;
- details of the handling and storage of soils during the construction, operational and decommissioning phases;
- import of construction materials, plant and equipment to Site;
- establishment of Site construction compounds and welfare facilities;
- cable installation;
- temporary construction compounds;
- trenching in sections;
- upgrading existing tracks and construction of new access tracks and roads within the Site;
- the upgrade or construction of crossing points (bridges /culverts) at drainage ditches within the Site;
- appropriate storage, capping and management of soil;
- appropriate construction drainage;
- sectionalised approach of duct installation;
- excavation and installation of jointing pits;
- cable pulling;
- testing and commissioning;

- site reinstatement (i.e. returning any land used during construction, for temporary purposes, back to its previous condition);
- use of borrow pits;
- review of Soil Management Plan at end of project life;
- restoration of land to an approved quality at the end of the site's operation; and
- arrangements for the supervision of the SMP.

The SMP must be implemented as approved.

- 26) Prior to the development permanently ceasing the commercial export of electricity to the electricity grid network or this planning permission ceasing, whichever is sooner, a Decommissioning Method Statement (DMS) must be submitted to the local planning authority for approval in writing. The DMS must include the following details:

- proposals for the removal of the solar arrays, inverters, batteries, DNO substation, access tracks, CCTV cameras, fencing, and other associated infrastructure from the site and a programme for the carrying out and completion of those works;
- proposals for the restoration of the site and a programme for carrying out and completing those works;
- a Decommissioning Environmental Management Plan; and
- a Decommissioning Transport Management Plan.

The development must be decommissioned in accordance with the approved DMS within 12 months of the development permanently ceasing the commercial export of electricity to the electricity grid network or the planning permission ceasing, whichever is sooner.

- 27) The development hereby permitted must cease 40 years from the first commercial export of electricity from the development to the electricity grid network. For the avoidance of doubt this excludes electricity exported during initial testing and commissioning of the development. Written confirmation of the first commercial export of electricity from the development to the electricity grid network must be provided to the local planning authority no later than 30 days after the event.

APPEARANCES

FOR THE APPELLANT:

Michael Humphries KC	Instructed by Geoff Bullock of DWD LLP, acting on behalf of Cutlers Solar Farm Limited
He called: Will Gardner BSc(Hons) MSc CLMI	EDP
Nathan Blick MCifA	Cotswold Archaeology
Tony Kernon BSc(Hons) MRICS FBIAC	Kernon Countryside Consultants Ltd
Geoff Bullock BA(Hons) BPI MRTPI	DWD LLP

FOR THE LOCAL PLANNING AUTHORITY:

Harriet Townsend, of Counsel and Olivia Davies, of Counsel	Instructed by Maria Shoesmith, Uttlesford District Council Strategic Applications Team Leader
They called: Peter Radmall MA BPhil CMLI	Landscape Consultant
Caroline Sones	Senior Built Heritage Consultant, Place Services
Sam Frankliin BSc(Hons) MSc MRICS FAAV FBIAC MISoilSci	Landscape Land and Property
Maria Shoesmith MRTPI	Strategic Applications Team Leader, Uttlesford District Council

FOR THAXTED PARISH COUNCIL:

James Smith	James Smith (Planning Law Services) Ltd
He called: Jaquelin Clay BSc MSc CMLI FAE	JFA Environmental Planning
Joanna Burton MPhil MSt BA(Hons) MRTPI IHBC	JB Heritage Consulting Ltd
Victoria Knight & Professor Michael Alder	Agricultural land
Richard Haynes	Policy

INTERESTED PERSONS:

Dr Chris Smith	Ducketts Farm
Trina Mawer	Farmer Jacks, 15 Newbiggen Street
Katherine Siddle	Richmonds in the Wood
Adrian Temple	Pinewood Farm
James Mizen	Loves Farm
Dr Sarah Smith	Ducketts Farm

DOCUMENTS

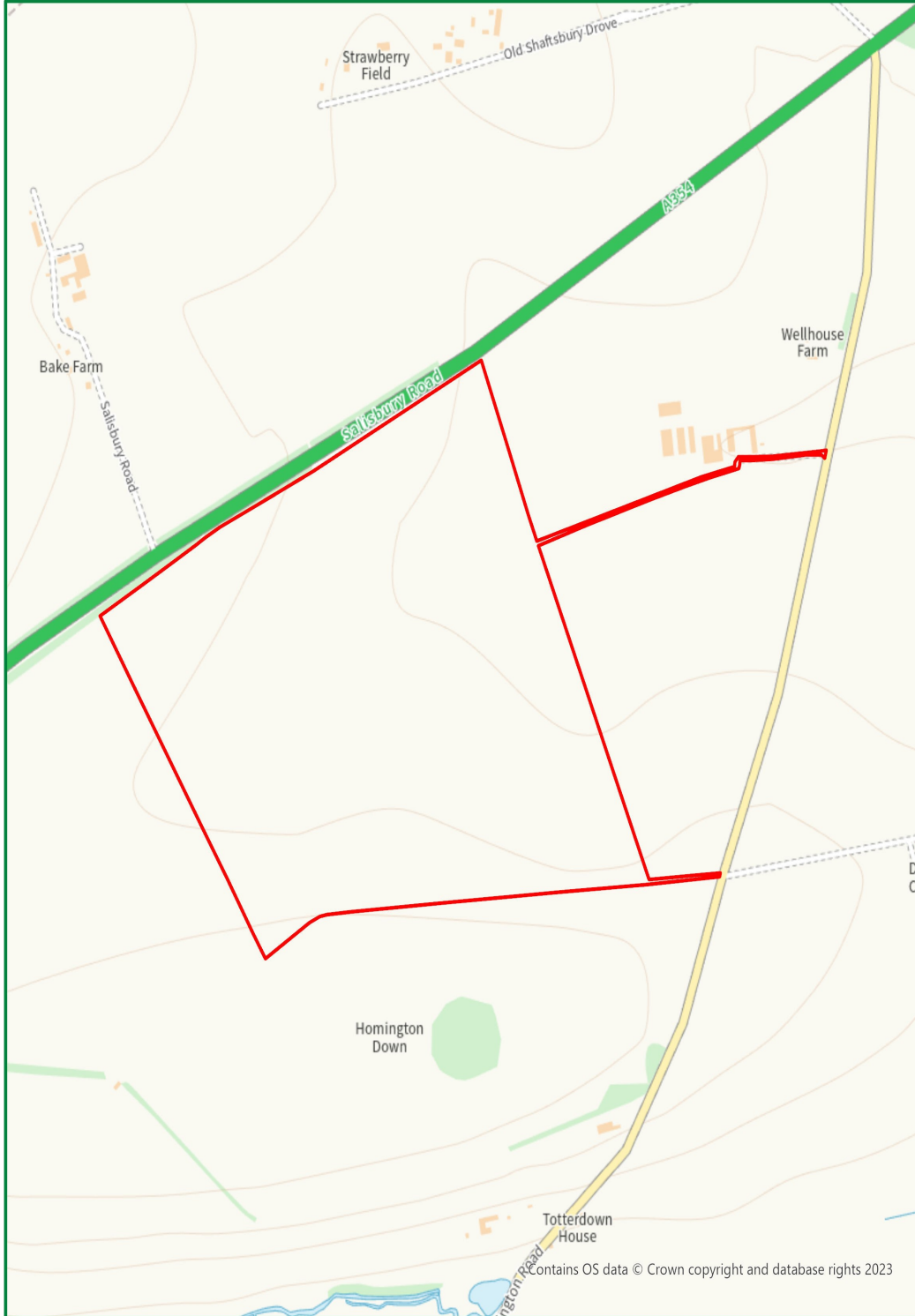
INQ1 Appellant's Opening Statement
INQ2 Council's Opening Statement
INQ3 Parish Council's opening statement
INQ4 Trina Mawer's statement
INQ5 Katherine Siddle's statement
INQ6 Consolidated schedule of viewpoints, Peter Radmall for Council
INQ7 Council note of detail of instructions
INQ8 Appellant note of detail of instructions
INQ9 Appellant memo on capacity of Site
INQ10 Appellant memo on Site area
INQ11 Landscape strategy Plan Rev C
INQ12 Planting Strategy with revisions (superseded by INQ14)
INQ13 Amended constraints plan
INQ14 Landscape strategy summary of changes (based on Planning drawing P20-1298_09 Rev C),
INQ15 Appellant verified views, Document Reference No. V3D 230307
INQ16 Inspector Site Visit Plan, drawing number edp7983_d011a
INQ17 Inspector Site Visit Plan (Spriggs and Terriers Farm), drawing number edp7983_d012a
INQ18 Council annotated plot numbers on tithe map
INQ19 Defra Press release, 06 December 2022
INQ20A Council, Revised Annotated OS Map 7
INQ21 Appeal Ref: APP/H1705/W/22/3304561- Minchens Lane, Bramley, Hampshire
INQ22 DCO, Little Crow Solar Park, Ref 010101
INQ23 DCO, Longfield Solar Farm, Ref 010118
INQ24 Appellant, Revised Note on Agricultural Land Classification
INQ25 Protect the Pelhams v SSLUHC, UDC, Berden Solar Limited Consent Order
INQ26 Council, Speech of Rt Hon Gregory Barker, 25 April 2013
INQ27 Council, Application UTT/22/0007/FUL, Land East of School Road and Main Road, 5 September 2023
INQ28 Parish Council, Claire Coutinho 2023 Speech to Conservative Party Conference, 02/10/2023
INQ29 James Mizen's statement
INQ30 Dr Sarah Smith's statement
INQ31 Pegasus Letter, June 2022
INQ32 Parish Council Closing Submissions

INQ33 Council Closing Submissions
INQ34 Appellant Closing Submissions

PLANS

West Thaxted Development Zone Plan 2	LCS023 DZ-02 Rev 09
West Thaxted Indicative Site Layout External	LCS023 PLE-01 Rev 13
West Thaxted Constraints Plan	LCS023 CP-02 Rev 02
Landscape Strategy Summary of Changes (Based on Planning dwg P20-1298-09 Rev C)	

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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 August 2024
Application Number	PL/2023/05363
Site Address	Dreamlea, Cricklade Road, Purton Stoke, Swindon, SN5 4JG
Proposal	Change of use of land from equestrian to two Gypsy and Traveller pitches, to include the change of use of an equestrian storage building to a shared day room.
Applicant	Mr J Ridgley
Town/Parish Council	Purton
Division	PURTON – Cllr Jacqui Lay
Type of application	Full Planning
Case Officer	Adrian Walker

Reason for the application being considered by Committee

The application is before the Strategic Planning Committee at the request of Councillor Jacqui Lay. This is to consider the scale of development; visual impact on the surrounding area; relationship to adjoining properties; the environmental/highway impact; the drainage; and the stability of the land.

1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the Officer's recommendation that planning permission be granted subject to conditions.

2. Report Summary

The application seeks planning permission for a two gypsy and traveller pitches at the site. The key planning matters to be considered are:

- The principle of development;
- Highways matters and access;
- The landscape impact; and
- Ecology Impact

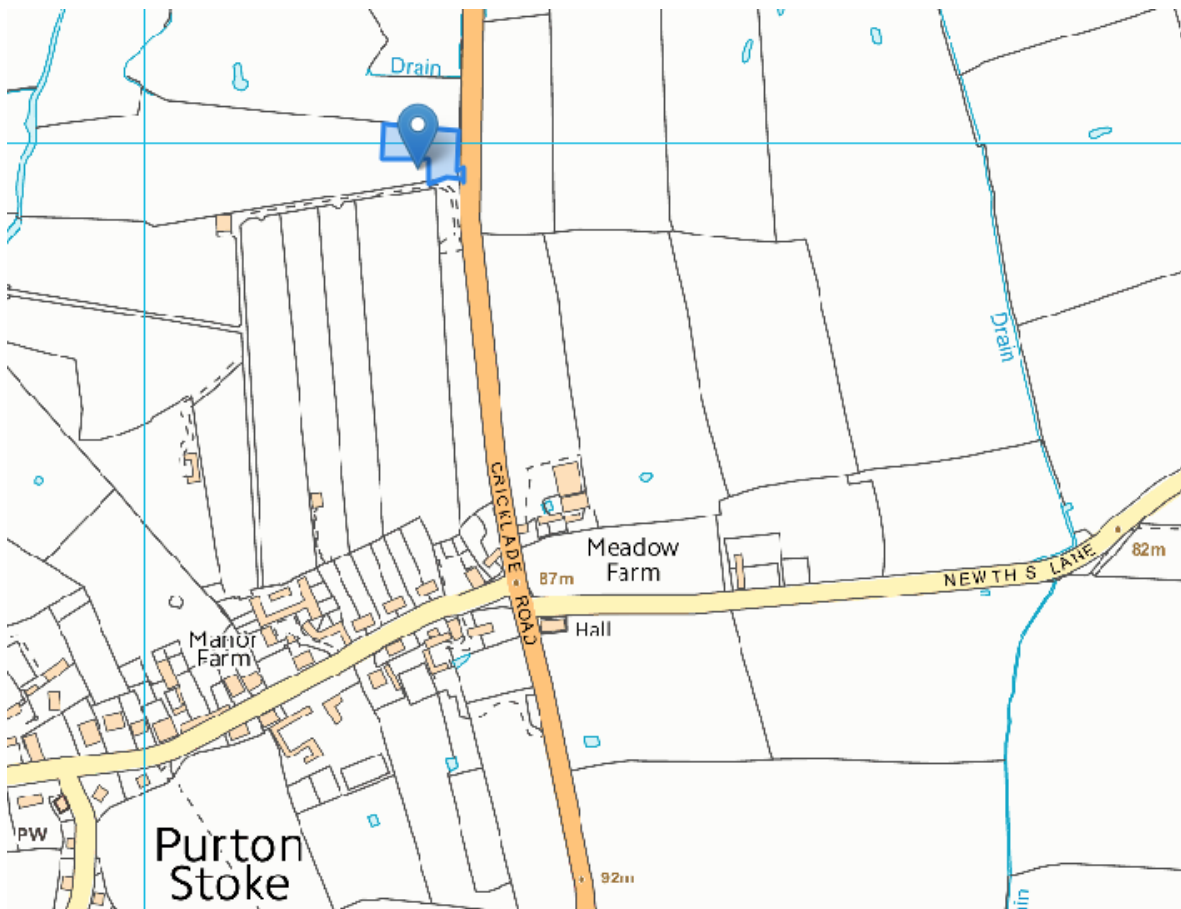
Purton Parish Council and Cricklade Town Council have objected to the proposed development; 54 objection comments and 3 in support have been received from interested third parties.

3. Site Description

The application site comprises a parcel of land located close to the small village of Purton Stoke. It is accessed via Cricklade Road, a classified B road which runs from Purton Stoke to Cricklade with a 50mph speed limit.

The site is L-shaped, relatively flat, however, slopes down from Cricklade Road which is at a higher level. Close to the northern boundary, there are a number of existing buildings, currently used for storage and the keeping of horses.

The site is relatively unconstrained, being unaffected by heritage or landscape designations. The site lies within the inner zone of the North Meadow Special Area of Conservation.



4. Planning History

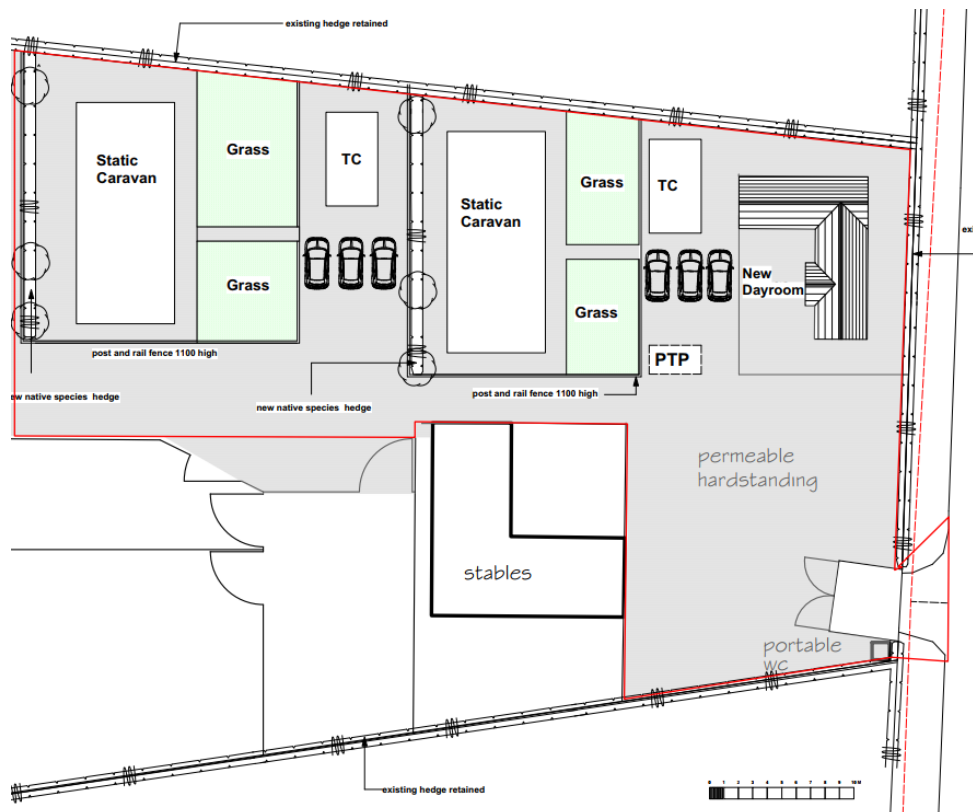
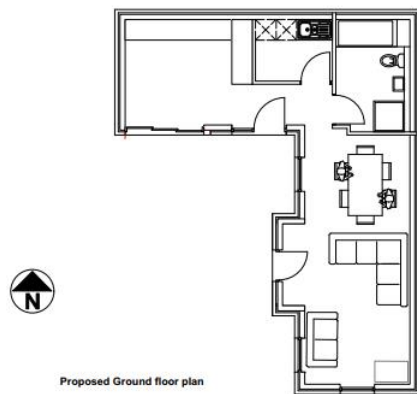
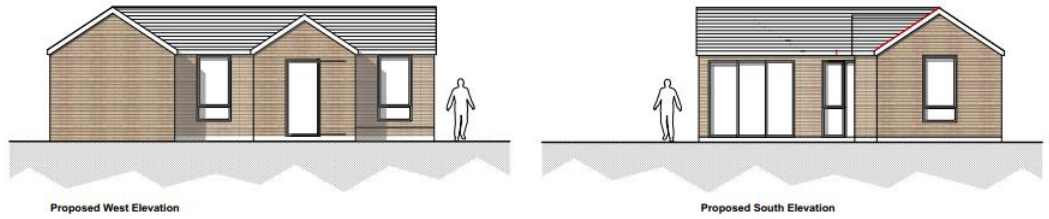
PL/2021/08332: Completion of replacement equestrian storage building (Part Retrospective). Approved 23/03/2022

14/00453/FUL: Hay Barn and Stables with Tack Room. Refused 06/03/2014 granted on appeal APP/Y3940/A/14/2215953 on 07/01/2015.

N/07/01620/FUL: Erection of Three Field Shelters and 3 Stables with Tack Room and the Change of Use of the Land for Keeping of Horses. Withdrawn 13/09/2007

5. The Proposal

This application is for the change of use equestrian to two Gypsy and Traveller pitches, to include the change of use of an equestrian storage building to a shared day room. This includes the siting of two static caravans and two touring caravans.



6. Planning Policy

Development plan policies

Wiltshire Core Strategy (WCS) adopted January 2015:

Core Policy 1 – Settlement Strategy;

Core Policy 2 – Delivery Strategy;

Core Policy 3 – Infrastructure Requirements

Core Policy 19 – Spatial Strategy: Royal Wootton Bassett and Cricklade Community Area;

Core Policy 47 – Meeting the needs of gypsies and travellers;

Core Policy 50 – Biodiversity and Geodiversity

Core Policy 51 – Landscape;

Core Policy 57 – Ensuring high quality design and place shaping;

Core Policy 60 – Sustainable Transport;

Core Policy 61 – Transport and Development; and

Core Policy 62 - Development Impacts on the Transport Network.

North Wiltshire Local Plan (saved policies) adopted June 2006:

None relevant

Wiltshire Housing Site Allocations DPD adopted February 2020:

None relevant

Emerging development plan

Gypsy and Traveller Development Plan

Other material considerations

National Planning Policy Framework (NPPF) 2023

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. Where development is found to be wholly or partially inconsistent with the provisions of the Development Plan, then the decision maker must determine whether there are other material considerations that should influence the decision.

Planning Policy for Traveller Sites 2023

Paragraphs 22 and 23 reiterate the fact that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise, and that applications should be determined in accordance with the presumption in favour of sustainable development, when taking into account the policies in the NPPF and this planning policy for traveller sites.

Purton Neighbourhood Plan

7. Consultations

Purton Parish Council – Objection, as follows:

Purton Parish Council objects to this application, under delegated powers. Although Traveller sites are treated differently to normal planning applications, it is considered this application falls well short of the requirement for approval. It is recommended that these sites are not in greenfield locations such as this. There are no footpaths to access Purton Stoke, which has limited services, and it would be considered dangerous to walk on the road to approach the nearest bus stop to reach Cricklade or Purton, what bus service there is cannot be considered frequent. This will lead to use of cars and private transport to and from the location, joining the B4553 can be hazardous, even more so if a commercial vehicle, or towing a touring caravan. A relatively recent application for more pitches at the Bell Public House was refused due to accessing this road, I cannot see anything has changed, this should also be refused. Access to schools, doctors etc. will further entail the use of private transport, proving this is not a sustainable site for development.

There are two sites under consideration in Lydiard, neither of which are determined, to my knowledge, this would be yet another site within a few miles, there are further sites within Minety and near Rein and Shine, it is considered another would be an overkill. There is an abandoned site near Cricklade Railway, previously owned by a local family, which has been derelict for many years, if a further site is needed this could be utilized, minimizing further development in a green area.

Areas of the site are in flood plain 1, but it known that many times the flooded area exceeded this boundary. Purton Stoke is a rural community and classed as a small village, therefore it has no limit of development, as large villages do, but the ethos is infill only to provide local need, this is development in the open countryside and should not be approved.

In conclusion, access onto a busy road, lack of infrastructure, unsustainability, flood risk, development on the edge of the village, and opportunity to use existing site should mean refusal. With other sites still under consideration this should be immediately dismissed.

Cricklade Town Parish Council – Objection, as follows:

Due to lack of other information and it being a development in the open countryside.

WC Spatial Planning – comments

The proposal would broadly accord with Core Policy 47 criterion v). Other consultees will be best placed to comment on the proposal's compliance with the remaining locational criteria in the policy.

WC Drainage – Support subject to conditions

WC Ecology – The development lies within the inner zone of influence (0-4.2km) for the North Meadow National Nature Reserve (NNR)/Site of Special Scientific Interest (SSSI) component of North Meadow and Clattinger Farm SAC

A financial contribution is required for the delivery of the Interim Mitigation Strategy of £803 per unit.

WC Highways – No objection, comments summarised as follows:

No highway concern in regard to the access or parking and turning within the site.

Visibility and parking and turning on-site are seen to be adequate.

The level of vehicle movements produced will have no overall negative impact on highway capacity and there is a built hardstanding already on-site.

8. Publicity

The application was publicised to neighbours through postal notifications.

54 objections to the development have been received from members of the public and have been considered. In summary the submitted comments raise the following issues:

- Drainage and Flood Risk;
- Traffic;
- Highways safety;
- Light and noise pollution;
- Waste disposal;
- Accessibility;
- Foul drainage;
- Development within the Greenbelt;
- Policy restrictions;
- Character and appearance;
- There is no indication as to how mains services will connect to the site;
- There is no footway;
- Lack of access to services and facilities;
- Lack of access to public transportation;
- Discrepancies in the planning application documentation/reports;
- Land ownership;
- Development in the open countryside;
- Enforcement/planning history issues;
- Ecology/Biodiversity/Great Crested Newts;
- Care of animals on the site.

Any anonymous comment or one making defamatory or potentially libellous claims, in accordance with the Council's policies on public participation, has not been taken into consideration.

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

Principle of development

Core Policy 2 (Delivery Strategy) of the Wiltshire Core Strategy (WCS) states that –

Inside the defined limits of development –

Within the limits of development, as defined on the policies maps accompanying the Core Strategy, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.

Outside the defined limits of development –

Other than in circumstances as permitted by other policies within this plan, identified in paragraph 4.25 (of the adopted Wiltshire Core Strategy), development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

The exceptions policies referred to in paragraph 4.25 are as follows:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- **Specialist accommodation provision (Core Policies 46 and 47)**
- Supporting rural life (Core Policy 48)

Meeting the needs of gypsies and travellers is one of the exceptions to Core Policy 2 as referred to under Core Policy 47. Core Policy 47 sets out criteria against which such applications are to be considered. The policy is informed by the national policy set out in the Planning Policy for Traveller Sites. The CP47 criteria is considered later in this report.

Five-year land supply –

Work is progressing on the Council's Gypsy and Traveller Development Plan Document (DPD), and to inform this a recent Gypsy and Traveller Accommodation Needs Assessment (GTAA) – which identifies the need for new pitches across the County and to ensure that there is adequate pitch provision in the DPD – was carried out in 2022. The GTAA confirms that there is now additional need for pitches in Wiltshire beyond that referred to in the WCS, and specifically for the period of 2022-38 there is a requirement of 120 new pitches for Gypsies & Travellers who meet the planning definition in PPTS Annex 1; 61 pitches for households who do not meet the definition but may be protected under the Equality Act; and up to 18 pitches for households who could not be determined. The GTAA further notes that requirements for the first 5-year periods in the GTAA have not been met; for the period 2022-27 the need is 79 pitches for Gypsies & Travellers who meet the planning definition. The GTAA is a material consideration that must be given significant weight.

In a recent appeal elsewhere in the County (19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton – appeal allowed 16 March 2023) it was accepted that this need has not started to be met. The figure of need for 79 pitches supersedes the now out of date targets set out in Policy CP47. It should be noted that the pitch requirements for gypsy and traveller sites are treated in the same way as normal market housing in that the Council is required to demonstrate that it has a supply of suitable sites – in the case of G&T sites, this must be a 5-year supply. At present there is not a 5-year supply of such sites within Wiltshire; again, this is a material consideration that must be given significant weight.

The Brewers Pit Inspector stated the following:

The PPTS indicates that in producing their Local Plan Councils should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.

Core Policy 47 indicates that provision should be made for 66 permanent pitches for gypsies and travellers during the period 2011-2016 and a further 42 similar pitches in the period 2016-2021. The SCG (Statement of Common Ground agreed between the appellant and the LPA prior to the appeal hearing) indicates that these accommodation needs have been met through the grant of planning permission on appropriate sites. In terms of future need the 2022-2038 Gypsy and Traveller Accommodation Assessment (GTAA) indicates that for the period 2022-27 there is a need for 79 pitches for nomadic travellers. The Council accepts that this need has not started to be met and the individual needs of the appellant and family are acknowledged by the Council.

The Council also accepts that the present development plan does not allocate sites for Gypsies and Travellers and it appears that it has never done so. The Council therefore rely on the results of individual applications to meet the strategic need for gypsy and traveller sites. A Gypsy and Traveller Development Plan Document (DPD) to be undertaken alongside the Local plan Review was programmed in the 2017 Local Development Scheme (LDS) for adoption in the first quarter of 2021. However the 2022 version of the LDS puts back the adoption of the Gypsies and Travellers DPD to, at best, the end of 2024.

This is an on-going failure of policy on the provision and supply of sites and goes against the requirements of the PPTS. I find that there is currently an ongoing need for Gypsy and Traveller sites which will not be catered for through the formal plan led system for some time. These are factors to which significant weight must be attached.

The Inspector allowed the appeal, concluding at para 38 that:

It is clear to me that the Council cannot demonstrate a five year supply for new sites at the moment as required by the PPTS and the considerable local need for Gypsy and Traveller sites is unlikely to be met soon through the plan led system. The failure of positive policy, as opposed to the provision by windfall sites, is a significant factor in favour of the proposal.

In two further relatively recent appeal decisions relating to Land to the South of Bridge Paddocks, Braydon Road, Leigh (20/01449/FUL) and Land adj. Bridge Paddocks, Braydon Road, Leigh (20/08187/FUL) the Inspector concluded that the proposed unlimited occupancy of Gypsy/Traveller sites (both comprising 4 pitches and including the siting of 4 mobile homes, 4 touring caravans and the erection of 4 dayrooms, all to be used for residential purposes) would contribute towards addressing the unmet general need for Gypsy and Traveller sites as they could be occupied by any persons that meet the PPTS definition. The Inspector noted in the decisions that there were no grounds to impose a temporary planning permission condition or one that limits occupancy to specific named persons.

WCS Core Policy 47

The figure of the need for 79 pitches therefore supersedes the targets set out in Policy CP47 below, which have now been met. As of March this year it has been confirmed that the Council's own public sites are full and there was a long waiting list.

Core Policy 47: Meeting the needs of gypsies and travellers

Provision should be made for at least 66 permanent pitches for gypsies and travellers, 25 transit pitches and 5 plots for travelling showpeople during the period 2011 – 2016. A further

42 permanent pitches should be provided over the period 2016 – 2021. Permanent and transit pitches should be distributed and phased as follows:

Housing market area	Proposed requirement (2011 – 2016)	Proposed requirement (2016 – 2021)	Transit provision (2011 – 21)
North and West Wiltshire	26	22	10
South Wiltshire	37	19	8
East Wiltshire	3	1	7
Total	66	42	25

Proposals for new gypsy and traveller pitches or travelling showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or vacant or derelict site in need of renewal. Where proposals satisfy the following general criteria they will be considered favourably:

- I. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.
- II. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users.
- III. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage and waste disposal.
- IV. The site must be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.
- V. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.
- VI. It will not have an unacceptable impact on the character and appearance of the landscape and the amenities of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.
- VII. Adequate levels of privacy should be provided for occupiers.
- VIII. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.
- IX. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

In assessing sites for travelling showpeople or where mixed-uses are proposed, the site and its surrounding context are suitable for mixed residential and business uses, including storage required and/or land required for exercising animals, and would not result in an unacceptable loss of amenity and adverse impact on the safety and amenity of the site's occupants and neighbouring properties.

It is recommended that pre-application advice is sought on all proposals for new gypsy and traveller pitches or travelling showpeople plots/yards. Early engagement with the

local community is recommended to ensure sites are developed sensitively to their context.

It is firstly necessary to consider whether the applicant does meet the criteria set out in the National planning guidance with respect to people of a gypsy or traveller heritage. The definition contained in Annex 1 of the document states that:-

For the purposes of this planning policy “gypsies and travellers” means:

Persons of 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.

Information has been provided to show to whether the intended occupiers of the proposed pitches met the above criteria and officers are satisfied that they do. On that basis the application then falls to be considered against the above criteria in Policy CP47, along with national policy, and any other policies that are relevant to a development in this location. The application details will now be considered against the individual criteria set out in the above policy CP47.

- i. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.*

The site is within Flood Zone 1. It is acknowledged that the site is close to Flood Zone 2. As such for minor development a flood risk assessment is not required, and the application cannot be refused on these grounds. Due to concerns raised regarding recent flooding events, a flood risk assessment was submitted. This report concluded that *‘development will not increase flood risk to properties in the downstream catchment and will not pose a flood risk to users or existing properties’*. The site is also located in an area Susceptible to Ground Water Flooding less than 25%. The applicants have provided a comprehensive review of the ground conditions and data relating to groundwater flood risk. The geology and hydrogeology of the site indicates that the site is unlikely to be at risk from any of the three main sources of groundwater flooding. The Council’s Drainage Engineers have assessed both documents and support the application subject to conditions. Based on the information provided it is considered the proposal would be capable of meeting CP47, (i) as well as subject to the securing of conditions, particularly in relation to drainage details.

- ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users.*

The vehicular access proposed is acceptable and is where there is an existing access that is understood to have been used for equestrian purposes for a number of years. The proposed gates would be/are set back from the road and are to open inwards, providing the opportunity to park within the site without creating a hazard to other road users. Pedestrian access is at the same point and, given the scale of the development, this is considered acceptable for the context. WC Highways have not raised any objection regarding highways safety.

- iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.*

The applicant has arranged for the site to be serviced by mains water and power. Evidence of the practicalities of this has been submitted as part of the application. Foul drainage would be dealt with by means of with a package treatment plant which will be conditioned to ensure the EA binding rules have been met and there is no pollution of nearby water courses. Having regard to waste disposal, it is reasonable to assume that the development could also be served by the local waste collection service that collects from the nearby properties in Purton Stoke. There is nothing within the application or the consultee responses that would lead the LPA to conclude that the site cannot be adequately serviced

iv. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

The site is sufficiently sized to allow the provision of the necessary living arrangements for a traveller site of two pitches along with suitable parking and turning space. This includes the provision of a day room and some grassed areas as amenity space.

Highway safety is considered further below.

v. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

The site is within a reasonable distance of Purton Stoke, a Small Village that has limited services and facilities, but nevertheless an identified settlement to which a modest degree of development is directed in line with the settlement strategy. Cricklade is also a relatively short distance further away.

There are also a public and bus stops within walking distance of the site (approx. 350m).

Policy C of Planning policy for traveller sites (PPTS) acknowledges that gypsy sites can be located within rural or semi-rural setting and para 25 quantifies this advice by stating that new traveller site development should be very strictly controlled in open countryside that is away from existing settlements. The phrase 'away from' has been interpreted on appeal to mean isolated, whereas sites within a reasonable distance from existing settlements (in some cases distances of up to a mile) have been accepted as not being 'away from' settlements for the purposes of this criteria. Indeed in the appeal decision for 19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton (appeal allowed 16th March 2023) the application site was described by the Inspector as being 'away from any settlement' (para 21 of the Inspector's decision letter) and he made no reference to this being contrary to the provisions of either Policy CP47 or the PPTS. It is considered, therefore, that the current application site about 350m from Purton Stoke and 2km south of the Cricklade meets criteria v.

vi. It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.

Due to the generally screened characteristics of its surroundings, the site is well contained and not readily visible in more distant views. The majority of the site is screened with a established hedgerow and a new native hedgerow will be planted on the western boundary.

Landscape impact is considered further below.

vii. Adequate levels of privacy should be provided for occupiers.

The self-containment of the site works effectively to give the site a feeling of privacy and it is not overlooked from either the private or public realms.

viii. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

The site is suitably sized for the provision of two pitches. This would not be disproportionate either to the immediate environment or the nearby village.

ix. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

The site is located within the North Meadow Special Area of Conservation buffer zone. In May 2023 the North Meadow And Clattinger Farm Special Area Of Conservation Interim Recreation Mitigation Strategy 2023 - 2028 was published. This requires a sum of money for applications to be secured through a legal agreement. This will be discussed in the following section of the report. The site is not identified as being likely to host any archaeological features. The proposal is not considered to impact the habitats of Great Crested Newts.

Landscape impact

The proposed development would not affect the amenities of adjoining land uses, nor is it considered to give rise to significant adverse landscape impact. The site is well enclosed with little in the way of visual overspill. The built form involved in the proposal is limited, with the proposed day room being the conversion of an existing building.

Appeal decisions, including recently the appeal in Grittenham (ref PL/2021/04055 and Planning Inspectorate Ref APP/Y3940/W/22/3312704, appeal dismissed) have confirmed that the provision of traveller sites in the countryside is not intrinsically harmful to the landscape. The application site is not significantly exposed to the public realm and, owing both to the nature of the site and the scale of the development proposed, the development is considered unlikely to have a significant impact on the qualities of the rural landscape. There would accordingly be no conflict with the aims of Core Policy 51 of the WCS.

Highways

The site has an existing access. The proposal would not generate significant levels of traffic at this access. Accordingly, the Council's Highways Officer raises no objections on technical grounds.

There would be sufficient space within the site for parking and turning. As such it is considered that the proposals comply with Core Policy 61 subject to conditions to secure the access, parking and turning.

The Highways Officer has pointed out the general unsustainable characteristics of the site. The site is in the countryside, away from the limits of development of any of the more sustainable settlements identified within the WCS, and is also not within the 'Small Village' of Purton Stoke. The site is nevertheless within a reasonable walking distance of the village and its limited services, and the proposal is supported as being one of the exceptions allowed under the policies for development in the countryside, listed at paragraph 4.25 of the WCS. Purton Stoke is to a certain extent served by public transport, namely the Stagecoach 53 bus which provides a regular service between Cricklade and Swindon.

Foul drainage

Foul drainage is a matter generally confined to consideration under the Building Regulations rather than under the planning process. Foul drainage would be dealt with by means of a package treatment plant. The Environment Agency sets out general binding rules for septic tanks and small sewage treatment plants, if these rules cannot be met a permit must be applied for from the Environment Agency. This will also be conditioned.

Ecology

Habitat Regulations Assessment: North Meadow Special Area of Conservation An Interim Recreation Mitigation Strategy 2023 – 2028 (May 2023) has now been agreed with Natural England. As this application lies within the outer zone of Influence (Zol) 4.2 – 9.4km from North Meadow SAC is it screened into Appropriate Assessment (AA) due to an increase recreational pressure on the SAC in combination with other plans or projects.

Wiltshire Council, Cotswold District Council and Swindon Borough Council in partnership with Natural England have produced an Interim (2023-2028) Recreation Mitigation Strategy for proposed development within this zone.

The standard mitigation agreed under the above strategy for all residential development of under 50 units in the Inner Zone is:

- Strategic Access Management and Monitoring (SAMM) contribution per unit £323
- Infrastructure Mitigation Projects/Suitable Alternative Natural Greenspace (SANG) contribution per unit £480

Total financial contribution to delivery of the Interim Mitigation Strategy - £803 per unit.

The application site is within the Amber Zone for Great Crested Newts (GCN). The habitats to be impacted are hardstanding and regularly used amenity grassland which are habitats that are not associated to be of significant value to GCN.

The development proposes to retain the hedgerows which are of value to GCN and so no significant impact is anticipated and consequentially no GCN license is considered to be required.

Other material considerations

Five Year Land Supply –

As has been mentioned above, the requirement to have a land supply applies equally to gypsy and traveller sites as it does normal bricks and mortar housing. At a recent appeal into the provision of a gypsy site elsewhere in the County ((2023/00249 Land at Littleton Drew, Chippenham – appeal dismissed 16 April 2024) where the planning application was refused as not being in full compliance with Policy CP47, the Inspector commented on the need and supply of gypsy and traveller sites in his decision letter, as follows:-

40. Policy B of the PPTS indicates that Councils should be able to identify a five-year supply of deliverable sites for gypsies and travellers to meet locally set targets. However, the Council accepts that the current development plan does not allocate sites for gypsies and travellers and that it cannot demonstrate a five-year supply at the moment set against the 2022 Gypsy and Traveller Accommodation Assessment (GTAA). This identifies a need for 79 pitches over the period 2022-2027. This is not a recent occurrence. Dr Ruston refers to a 2023 appeal decision where the evidence submitted showed that the Council had failed to deliver sites via the development plan process and the inspector described this as ‘a woeful failure of policy’. The situation is

unlikely to improve in the short term. The Council had started a Gypsies and Travellers DPD in March 2021 but this is now scheduled in the Local Development Scheme for adoption in mid to late 2025 and will concentrate on a review of Core Policy 47. Proposals for specific sites for gypsies and travellers will therefore not realistically come forward until after that time.

41. At the Hearing both of the main parties accepted that there were no other sites available and suitable for the appellant and families to turn to at the moment. It was reported that the Council's own public sites were full and there was a long waiting list. Other known sites tended to be private and were occupied by the owning family and were not available to outsiders.

This recent appeal decision, issued in April of this year, states clearly that the Council does not have, and is not likely to have in the near future, a 5 year supply of suitable gypsy and traveller sites. This is a material consideration in the determination of the current application before the Committee, especially as the application appears to be in accordance with the provisions of both local and national policy on the subject.

10. Conclusion (The Planning Balance)

This application proposes the development of land for a gypsy and traveller site to accommodate 2 pitches along with parking, and a package sewage treatment plant on land outside of any settlement boundary and therefore in open countryside. Therefore, to meet the provisions of policy CP2 (Delivery Strategy) and CP47 (Meeting the needs of gypsies and travellers) the development has to comply with a number of criteria.

From the assessment set out in section 9 above, it is considered that the proposed development does comply with the provisions of Policy CP47, and it therefore one to the types of development considered acceptable under special circumstances for Policy CP2. The consideration above is that the scheme is acceptable in that it will not have an adverse impact on the landscape of the locality, and the Highways Officer is happy that the use of the site in the manner proposed will not have an adverse impact on highway safety, which is another key criteria for development within the area. The proposed development would not cause demonstrable harm to the landscape, and a contribution to the North Meadow Special Area of Conservation will mitigate against any ecological harm.

The proposal will help to meet the acknowledged shortfall in gypsy and traveller pitches across Wiltshire and as is set out in paragraph 11 of the NPPF, decisions should apply a presumption in favour of sustainable development and should approve proposals that accord with the up to date development plan, or where the policies for determining the application are out of date, grant development unless it is in a protected area or the development would have adverse impacts on the policies of the NPPF as a whole.

Accordingly, it is recommended that this application is approved.

RECOMMENDATION

That planning permission be granted, subject to a legal agreement to secure a financial contribution to the North Meadow Special Area of Conservation Mitigation and the following conditions:

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

Location Plan 2023-132-LP rev A

Proposed Site Plan 2023-132-SP Rev B
Existing Block Plan 2023-132-EBP
Proposed Plans and Elevations 2023-132-100 B
Proposed Block Plan 2023-132-BP Rev B
Existing Plans and Elevations 2023-132-101
Planning Statement
Groundwater Flood risk Technical Note B (AWP dated 26th April 2024)
Flood Risk Assessment (AWP dated 20th June 2024)

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

2. 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.

3. 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.

4. No more than four 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 two shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan.

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.

5. 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.

6. The development hereby permitted shall not be first brought into use/occupied until the first 5m of the access, measured from the edge of the carriageway and/or whole of the parking area, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting 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 shall be erected or placed anywhere on the site.

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

8. 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 plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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

9. No development shall take place until surface water drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above drainage, condition the following additional information must be provided:
 - Details on the material specification.
 - Details on the level of compaction required, and
 - Cross sections through proposed gravelled area

REASON: To ensure the gravelled area will be able to accommodate the runoff from the development for the 1 in 100 year plus climate change (40%) rainfall event, and will not in effect act as impermeable surface.

10. No development shall take place until a foul drainage strategy, has been submitted to and approved in writing by the Local Planning Authority. In order to discharge the above condition it is expected that the applicant will provide:
 - Evidence that the EA's General Binding rules have been met in full.
 - Drawings to demonstrate the proposed siting of the Foul Package Treatment Plant
 - Supporting calculations to demonstrate compliance with Building Regulations for any drainage field / mound.

REASON: To prevent pollution of nearby water courses.

11. 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

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

12. 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.

13. No petrol or diesel electricity generators shall be used on site at any time unless otherwise permitted by the Local Planning Authority.

REASON: In the interests of amenity.

14. INFORMATIVE TO APPLICANT:

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.

15. INFORMATIVE TO APPLICANT:

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.

16. INFORMATIVE TO APPLICANT:

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.

17. INFORMATIVE TO APPLICANT:

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. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.

18. INFORMATIVE TO APPLICANT

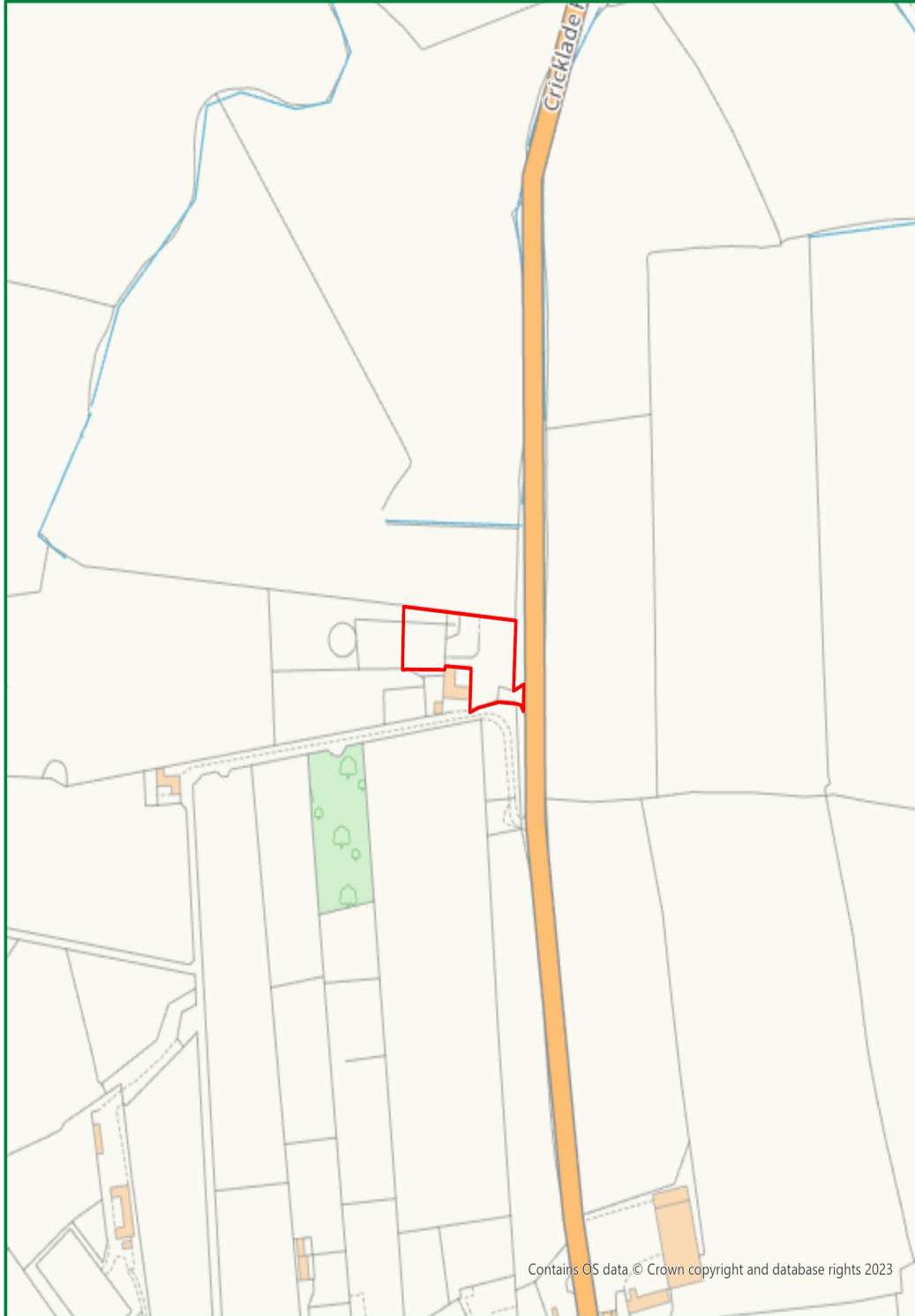
The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, 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.

19. INFORMATIVE TO APPLICANT

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.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	14 August 2024
Application Number	PL/2023/00900
Site Address	Charlie's Place, Land off Sodom Lane, Grittenham, Wilts, SN15 4JY
Proposal	Change of use of land to provide a Gypsy site, consisting of four pitches and associated hardstanding, landscaping and a commercial barn.
Applicant	Mr John Lee
Town/Parish Council	Brinkworth CP
Ward	BRINKWORTH – Cllr Elizabeth Threlfall
Type of application	Full Planning
Case Officer	Victoria Davis

Reason for the application being considered by Committee

The application has been called to committee by Councillor Threlfall. This is to consider the visual impact upon the surrounding area, the relationship to adjoining properties, the design (bulk, height and general appearance), and the environmental/highways impact.

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

This application has been the subject of a statutory public consultation period and has attracted representations of objection from 37 respondents, including Wiltshire Wildlife Trust. Objections have also been received from Dauntsey Parish Council, Grittenham and Brinkworth Parish Council and Tockenham Parish Council. A separate objection was received from Land Development and Planning Consultants on behalf of a group of Grittenham and Brinkworth Parish Council.

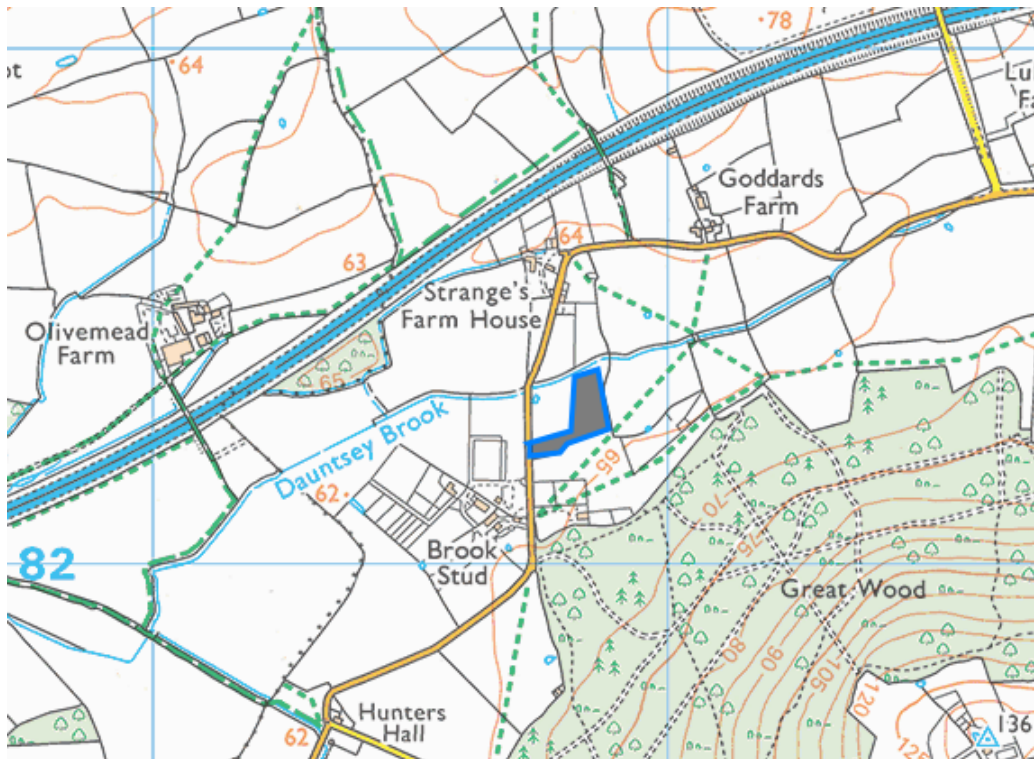
The Key Issues for consideration in respect of this proposal are:

- Principle of the Development
- Impact on Highways

- Heritage Impacts
- Flood Risks
- Ecology Impacts
- Impact on character, appearance and visual amenity of the locality

3. Site Description

The application site is situated approximately 5km east of Royal Wootton Bassett. The land is accessed from the C120 public road linking Sodom Lane and Whitehill Road through Grittenham. The site is in a rural location, located outside of any settlement identified in the Wiltshire Core Strategy.



The application site is approximately 0.4ha in area and is formed of an open field land currently down to grass and bordered by established hedges and post and wire fencing. There are no buildings on the land. Public Right of Way BRIN22 crosses close to the south-western corner of the site within the adjacent field.

The site falls to the north-west towards Dauntsey Brook which is a tributary of the River Avon. The site is accessed from Sodom Lane to the west of the site via a field gate located approximately 25m south of Dauntsey Brook. The Wiltshire Strategic Flood Risk Assessment (SFRA) does not identify any recorded flooding incidents for the site and indicates that ground water flood risk is low. According to the SFRA, there is a risk of flooding from surface water (pluvial) to the north of the site adjacent to Dauntsey Brook. The Environment Agency Flood Risk map identifies indicates that the site falls within FZ1 (extract below) though it is now known that the map is incomplete in this area and so is inaccurate. The submitted FRA indicates that the site falls within flood zones 1,2 & 3 with the northern most part of the site falling within the functional flood plain.

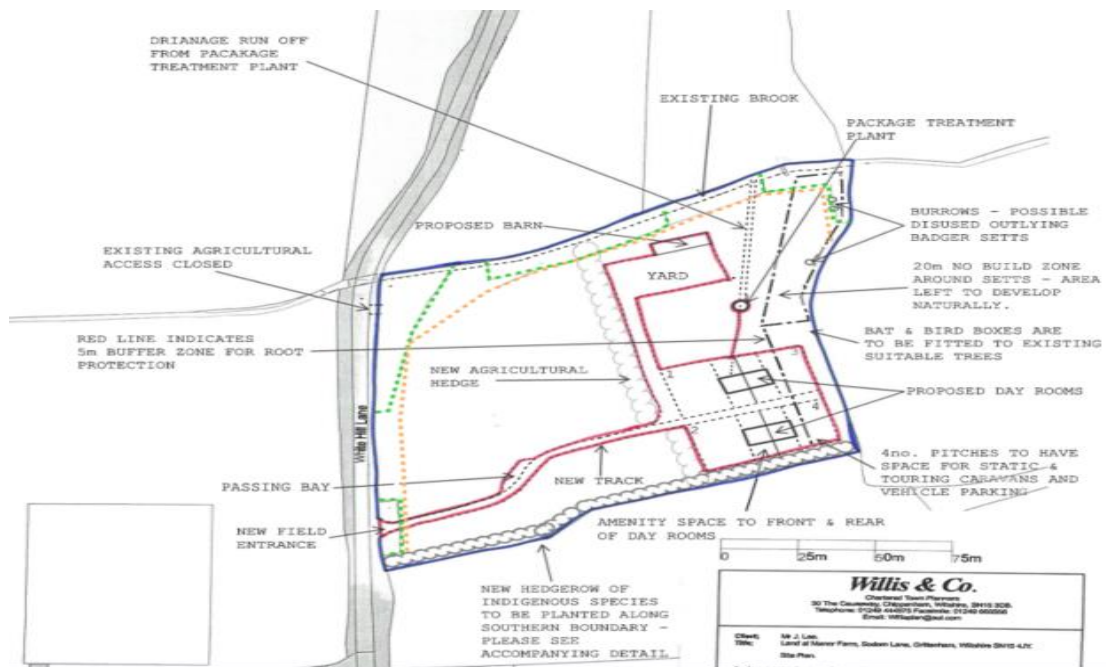
To the west of the site, on the opposite side of the road is an equestrian centre including stabling and a riding arena. Agricultural land extends to the north and east. To the south of the site, is Gable End Farm which is understood to be in use for rearing livestock including, turkeys, goats, sheep, pigs, ducks and alpacas. Other residential properties close to the site are Old Farm approximately 220m to the north and the dwellings at Hunters Hall approximately 700m to the south.

4. Planning History

PL/2021/05660 Change of use of land for the creation of a 2 pitch Gypsy/Traveller site, comprising the siting of 2 mobile homes, 2 touring caravans, and the erection of 2 dayrooms (contained in 1 semi-detached unit) REFUSED

5. Proposal

The application seeks permission for the creation of a 4-pitch traveller site, to provide accommodation for one family though accommodated as independent households. It seeks permission for the siting of a mobile home, touring caravan, and the erection of a dayroom for each pitch, alongside the formation of new vehicular access and hardstanding.



The dayrooms provide bathroom, utility and kitchen/living/dining space. The buildings are arranged as a semi-detached pair occupying a footprint of approximately 16.4m x 7.95m, approximately 2.5m to eaves with a gabled roof approximately 4.7m to ridgeline. The drawings indicate recon stone to the elevations and clay double roman roof tiles. Fenestration is stated to be u-pvc.

Core Policy 51	Landscape
Core Policy 57	Ensuring high design and place shaping
Core Policy 58	Ensuring the conservation of the historic environment
Core Policy 61	Transport and Development
Core Policy 64	Demand Management
Core Policy 67	Flood Risk

North Wiltshire Local Plan 2011 (NWLP)

H4 Residential development in the open countryside
 NE14 Trees and the control of new development
 NE18 Noise and pollution

Wiltshire Housing Site Allocations Plan Adopted February 2020

National Planning Policy Framework 2023 (NPPF)

Section 2	Achieving sustainable development
Section 4	Decision making
Section 5	Delivering a sufficient supply of homes
Section 9	Promoting sustainable transport
Section 12	Achieving well designed and beautiful places
Section 14	Meeting the challenge of climate change, flooding and coastal change
Section 15	Conserving and enhancing the natural environment
Section 16	Conserving and enhancing the historic environment

National Planning Policy for Traveller Sites 2023 (PPTS)

Other considerations

- Planning Practice Guidance (PPG)
- Wiltshire Local Transport Plan 2011- 2026
- The Wiltshire Gypsies and Travellers Development Plan Document (Draft)
- Wiltshire Council's published 2022 GTAA with the published GTAA setting out the pitch requirement for the period 2022 to 2038

7. Summary of consultation responses

Brinkworth Parish Council: Objection, concerns summarised below

- The land is rural and will necessitate a lot of hardstanding and tarmac which will not only be totally detrimental to the rich and diverse fauna and flora in the area, but it will also exacerbate the flooding which is already a serious issue in this area.
- Wiltshire Council Core Policy 2 states that proposals for development of the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development; i) Respects the existing character and form of the settlement , ii) Does not elongate the village or impose development in sensitive landscape areas, iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement. All of these points are relevant for consideration with this application.

- The proposed development is alien to this environment contrary to the criteria of WCS CP2seek to meet housing needs of settlements or provide employment, services and facilities provided that the development
- C60 regarding sustainable transport also is relevant. The location is some distance outside the village on a fast and busy road with no footway or wide verge.
- The area for the proposed development is a rural area and as such, has narrow lanes which cannot cope with the caravans, lorries and trucks which this development would inevitably have.
- The roads are in daily use by farmers who would find it difficult in the extreme to continue their day-to-day work, in particular greatly affecting the movement of animals and feed.
- The extra traffic which would be generated will naturally gravitate towards School Hill for the B4042, which is known to have traffic problems, particularly around the school.
- Additionally with no local schools, all transport would only increase the traffic to ferry children backward and forward.

Dauntsey Parish Council: Objection, concerns are summarised below -

- It appears evident that the remaining undeveloped land could be further developed in an intensive manner with further piecemeal proposals.
- There is a fundamental need to consider the scheme against the restrictive open countryside planning policies that apply nationally and locally
- This is particularly pertinent where the cumulative effect of similar proposals in this valued open landscape area of the Dauntsey Vale apply.
- The site is situated in an unsustainable location where only vehicle use can access adjacent local village communities and nearby towns.
- The personal matters/reasons that are presented to support the proposal in reality do the opposite and confirm that the families, including children, should not have to reside in the countryside far from the services and amenities that they require both in the short and longer term.
- There appears to be a proliferation of similar proposals in this locality generally leading to unsustainable piecemeal development contrary to general planning policy.
- The Council is concerned that any further consents given for this type of development will further erode the fast diminishing countryside character in this general location and that this should be resisted.
- The introduction of permanent built form as well that will create a significant intrusion.

Tockenham Parish Council: Object, comments relevant to application PL/2021/05660 summarised below -

- Application may not meet the terms of all Traveller Site Planning Policies within the Wiltshire Core Strategy and the NPPF.
- Access of large vehicles to either site via Bowds or Trow Lane will be totally unacceptable. These are narrow, single-track, bendy lanes- certainly not suitable for caravans.

Wiltshire Council Spatial Plans: No objection. Full comments online. Officer comments conclude as follows –

The pitch requirements for the NWHMA set in the Core Strategy have been met. There was a sufficient supply of traveller sites in this HMA as of 2018. The site would not contribute to meeting identified need in the 2022 GTAA but there may be personal circumstances relevant in this case.

The proposal would broadly accord with Core Policy 47 criterion v). Other consultees will be best placed to comment on the proposal's compliance with the remaining locational criteria.

PPTS provides at para 11, that where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward

Wiltshire Council Highways: No objection subject to conditions in relation to access layout and stopping up existing field entrance. Full comments online, mains points summarised below –

- Visibility splay within the dedicated public highway can meet manual for street standards
- The barn is for use associated with a single residential unit and has no commercial use that would attract its own vehicle movements

Drainage: No objection, subject to conditions to secure detailed foul and surface water drainage strategy. Full comments online, mains points summarised below –

- FRA has been provided which shows how the site will be sequentially laid out, the additional information could be sourced through appropriately worded condition.

Wiltshire Council Ecology: No objection subject to conditions in relation to detailed landscaping plan, external lighting and compliance with documents. Full comments online, mains points summarised below –

- The submitted ecology report details a sufficient survey effort to determine the ecological baseline of the site and the suitable mitigation measures to ensure the continued functionality of the local area for biodiversity.
- The submitted documents are sufficient to favourably determine this application there remains some uncertainty on the exact specification of the habitat to be created
- Detailed landscaping plan is required

Wiltshire Council Public Protection: No objection subject to conditions in relation to EV charging, external lighting, hours of construction and contaminated land.

Wiltshire Council Public Rights of Way: No Objection subject to hedgerow planting being secured along the southern site boundary to mitigate visual impact on the footpath

Wiltshire Council Landscape Officer: No objection. Comments summarised below -

- There will be a permanent change of landscape character from an open, rural agricultural field to a residential site with associated statics, vehicles and other paraphernalia, noise and activity.
- There will be a permanent loss of a small length of hedgerow to create a new entrance.
- There will be a permanent loss of (some) agricultural land (albeit Grade 4) to create the drive way, hard standings, yard area and construct the day rooms and barn.
- It is considered that the new layout and proposed planting will provide landscape and visual mitigation to help integrate the development.
- The planting will take time to grow (300mm/year) and success of that mitigation lies with the applicant through sound maintenance and long term management.

Environment Agency: No Objection subject to conditions relating to no caravan storage, no raising ground levels in FZ 2 & 3. Full comments online, main point summarised below -

- Advice to LPA in relation to managing flood risk
- Recommendation in relation to floodable design for barn
- Advice in relation to hierarchy for dealing with foul sewerage noting main sewer connection should be first option
- Notifying applicant of Environmental permitting regulations in relation to discharge of effluent to surface or ground water

8. Publicity

55 letters of objection were received from 37 respondents. The concerns raised are summarised below –

- Application should not refer to Manor Farm in the address. This is not related to Manor Farm.
- Impact to highways safety - significant additional number of vehicles
- Closure of Lyneham Banks has led to increased traffic along this route
- Road alignment is dangerous
- Routes will be dangerous for horse riders
- Size of site, cumulative impact of several similar developments in this rural area
- Cluster of units (including other application under consideration) would dominate the nearest settlement
- Proximity to AONB
- Lack of green energy – no heat pumps, solar, vehicle charging
- Development does not meet Future Homes and Buildings standard which clearly details the need for new developments to be highly efficient, low carbon and include renewable energy sources.
- Visual impact on the rural landscape
- Loss of agricultural land and urbanisation of rural area
- Application is deficient – ecology report, highways/access report, Acoustic Report, evidence of personal circumstances
- Location is unsustainable – Grittenham has no local services or transport links
- Ecological impacts including to Great Crested Newts and adjacent meadow consideration is given
- Proximity to Country Wildlife site should be taken into account development in close proximity will have devastating impact on local ecology, character and wildlife.
- Proximity to Great Wood & Grove Farm Meadows
- Site is at risk of flooding – will increase flood risk on and off site
- Concern in relation to foul water drainage arrangements – cess pits should be last resort
- Site will generate waste – no arrangements are proposed
- Loss of agricultural land
- Development may hinder use public rights of way
- Site is in not accessible, remote from services, will put pressure on existing services
- Impact on residential amenity
- Development will be visible from public rights of way
- Exceeds NP allocations and GTAA identified need
- Site has no power or water supply

- Site is 5 + miles from services that families will need eg. doctors and schools which are already stretched.
- Consultation period of 20days is too short
- Site area is too large and will allow for further expansion
- Impact on nearby listed buildings – low quality appearance of buildings
- 5m high commercial barn will not be hidden
- No ecology report has been submitted
- Brownfield sites should be prioritised for G&T sites
- Proposed external materials for day rooms are not in keeping with local area
- Lack of personal circumstances in support of application.

Wiltshire Wildlife Trust provided the following response –

The design and access statement for this application repeatedly states there will be a biodiversity gain on site from this development. For this to be verified, we would expect to see a baseline survey and management plan that use the current Biodiversity Metric (currently 3.1) to evidence this. We would also look to see a long term condition within the planning permission that measures put in place to deliver no net loss/ a net gain of biodiversity- in addition to commitments to retain/ conserve existing habitats as recommended in the PEA- are maintained by the applicants and that this is monitored by the LPA.

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.

The introduction of the Framework (latest iteration published in 2023) states that the *"Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant"*.

9.1 Principle of development

WCS, policies CP1 'Settlement Strategy' and CP2 'Delivery Strategy' outline the Council's settlement hierarchy and identify the settlements where sustainable residential development should take place. CP1 identifies a hierarchy of four tiers of settlements, namely: Principal Settlements; Market Towns; Local Service Centres; and Large and Small Villages. CP13 'Spatial Strategy: Malmesbury Community' Area expects development to be in accordance with CP1.

The site is located outside of any settlement. Policy CP2 states that outside the defined limits of development, other than in circumstances as permitted by other policies within this plan, as identified in paragraph 4.25, *"development will not be permitted outside the limits of development, as defined on the policies map"*. CP2 continues stating that the *"limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans"*.

The exceptions policies referred to in paragraph 4.25 are as follows:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- **Specialist accommodation provision (Core Policies 46 and 47)**
- Supporting rural life (Core Policy 48)

Meeting the needs of gypsies and travellers is one of the exceptions to Core Policy 2 as referred to under Core Policy 47. Core Policy 47 sets out criteria against which such applications are to be considered. The policy is informed by the national policy set out in the Planning Policy for Traveller Sites. The CP47 criteria is considered later in this report.

The Government's Planning Policy for Traveller Sites August 2015 (PPTS) is a material consideration in planning decisions. Policy C, paragraph 14 of the PPTS requires local planning authorities to ensure that "*the scale of such sites does not dominate the nearest settled community*" when assessing the "suitability of sites in rural or semi-rural settings" and therefore acknowledges that sites for Gypsy and Traveller accommodation may not always be located within defined settlements.

Five-year land supply –

Core Policy 47 of the adopted WCS identifies permanent pitch requirements for gypsies and travellers in Core Policy 47. The pitch requirements are now no longer up to date due to the completion of several gypsy and traveller accommodation assessments (GTAA's) in 2014, 2020 and 2022 (see below). The 2022 GTAA is now regarded by appeal Inspectors as the most up to date position on pitch need in Wiltshire. For sake of completion, the spatial planning team has provided a position against the requirements in the Core Strategy as it is the adopted development plan. It is confirmed that the CS requirement has been met and exceeded by 63 pitches in total. Full comments are available online.

Work is progressing on the Council's Gypsy and Traveller Development Plan Document (DPD), and to inform this a recent Gypsy and Traveller Accommodation Needs Assessment (GTAA) – which identifies the need for new pitches across the County and to ensure that there is adequate pitch provision in the DPD – was carried out in 2022. The GTAA confirms that there is now additional need for pitches in Wiltshire beyond that referred to in the WCS, and specifically for the period of 2022-38 there is a requirement of 120 new pitches for Gypsies & Travellers who meet the planning definition in PPTS Annex 1; 61 pitches for households who do not meet the definition but may be protected under the Equality Act; and up to 18 pitches for households who could not be determined. The GTAA further notes that requirements for the first 5-year periods in the GTAA have not been met; for the period 2022-27 the need is 79 pitches for Gypsies & Travellers who meet the planning definition. The GTAA is a material consideration that must be given significant weight.

In a recent appeal elsewhere in the County (19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton – appeal allowed 16 March 2023) it was accepted that this need has not started to be met. The figure of need for 79 pitches supersedes the now out of date targets set out in Policy CP47. It should be noted that the pitch requirements for gypsy and traveller sites are treated in the same way as normal market housing in that the Council is required to demonstrate that it has a supply of suitable sites – in the case of G&T sites, this must be a 5-year supply. At present

there is not a 5-year supply of such sites within Wiltshire; again, this is a material consideration that must be given significant weight.

At another recent appeal into the provision of a gypsy site elsewhere in the County ((2023/00249 Land at Littleton Drew, Chippenham – appeal dismissed 16 April 2024 where the planning application was refused as not being in full compliance with Policy CP47, the Inspector commented on the need and supply of gypsy and traveller sites. During this appeal hearing it was agreed that the Council cannot demonstrate a five-year supply set against the 2022 Gypsy and Traveller Accommodation Assessment (GTAA). This identifies a need for 79 pitches over the period 2022-2027. Furthermore, that the Council's Gypsies and Travellers DPD is scheduled in the Local Development Scheme for adoption in mid to late 2025 meaning that specific sites for gypsies and travellers will not realistically come forward until after that time.

This very recent appeal decision, issued in April of this year, states clearly that the Council does not have, and is not likely to have in the near future, a 5 year supply of suitable gypsy and traveller sites. This is a material consideration in the determination of the current application before the Committee, especially as the application appears to be in accordance with the provisions of both local and national policy on the subject.

Status of applicant and personal circumstances

The proposal is for four Gypsy/Traveller pitches to be occupied by Gypsies/ Travellers who fulfil the definition of Gypsies and Travellers in Annex One of Planning Policy for Travellers Sites, hardstanding and a commercial barn. The site will consist of 4 pitches including 4 mobile homes, 4 day rooms, 4 touring caravans, associated hardstanding, landscaping and a commercial barn.

The application sets out that the applicant has owned the land for several years and are seeking to settle their family on the land. The four pitches are proposed to enable the family to live independently but nearby to each other. The four pitches are understood to allow for the applicant, their two eldest children and mother to live at the site. In addition, the applicant runs a landscaping business and the proposed barn is intended to store equipment used in connection with this business. Having the barn at the same site is intended to reduce the need for travel to and from an off site storage facility every working day.

Annex 1 of the PPTS 2015 states that for the purposes of this planning policy "*gypsies and travellers*" means:

Persons of 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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."

It is stated that the applicants meet the planning definition set out in Appendix 1 of the PPTS for the accommodation requirements. The supporting statement describes that the applicants have led a nomadic life for many years and are keen to settle with their family so that the children can attend school on a regular basis and the older children can have job stability. In addition to this, they would like to take care of Mrs Lee's ageing mother who currently resides in a care home. They would still like to travel during school holidays or separately, i.e. the oldest children travel whilst the applicants look after their mother and vice versa. Also, the mother would like to travel with family members. It is understood that the family are currently residing with a family member

though this is not stated to be an arrangement which can be permanent. It is not known whether the family has been resident in Wiltshire though it is stated that the younger children are at school in Cricklade and the applicant's mother in law currently resides at a care home in Cirencester. Having the family together on the 4 pitches will give them the flexibility for travelling, whilst also giving them the stability of a permanent home for the purpose of school and work.

The family's needs are not captured within the latest GTAA and this proposal is not advanced on the basis that it will contribute towards meeting need identified in the GTAA. In another recent appeal decision at Land at Grittenham (para. 56), the Inspector gave significant weight to the fact that the site would contribute to a need that has arisen within the county despite this not being identified at the time. The benefit being that granting permission for the pitches would prevent further needed being added to the overall requirement within Wiltshire.

If the proposals are considered acceptable a planning condition could be imposed on any planning permission granted to ensure that the Council retains some control of the use of the site, so that any future occupiers would satisfy the definition of a 'traveller' as set out in the National Planning Policy for Traveller Sites though it must be considered that without any personal occupancy condition the site could operate effectively as a transit site which would not necessarily meet a local need.

9.2 Assessment of WCS Core Policy 47 Criteria

The application site lies in the countryside, wherein development will not normally be permitted other than in accordance with specified exception policies set out within the development plan. One such policy is Core Policy 47 of the WCS, which sets the policy for the determination of applications for travellers' sites. According to the policy, "*where proposals satisfy the following general criteria they will be considered favourably:*" – this report considers each of these criteria in turn.

The criteria of CP 47 is consistent with Paragraph 24 of the PPTS which expects local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

CP47 states that proposals for any new gypsy and traveller pitches or travelling show people plots/yards would only be granted "*where there is no conflict with other planning policies and where no barrier to development exists*". The policy requires such new developments to be situated in "*sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal*" and where the following criteria can be met:

CP47 i). No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.

It is an area of land previously used for agricultural activities and had no ground stability concerns or previous uses which raise specific contamination risk. However, the Public Protection team highlights that agricultural land may have given rise to forms of contamination such as fuel oil, vehicles, asbestos, pesticides or herbicides and suggest a condition to ensure that if such contamination is encountered the LPA must be notified and the applicant must provide a strategy of the steps to deal with such contamination.

The site falls to the north west towards Dauntsey Brook which is a tributary of the River Avon. The site is accessed from Sodom Lane to the west of the site via a field gate located approximately 25m south of Dauntsey Brook. The Wiltshire Strategic Flood Risk Assessment (SFRA) does not identify any recorded flooding incidents for the site and indicates that ground water flood risk is negligible. According to the SFRA, there is a risk of flooding from surface water (pluvial) to the north of the site adjacent to Dauntsey Brook. The risk extent covers approximately 1/3 of the site. EA flood risk map indicates that the field is affected to the northern section adjacent to Dauntsey Brook only when the watercourses are in flood and reservoir flooding occurs. There are no known sewer flood risks in the vicinity of the site.

It should be noted that the application development area relates only to the land outlined in red in the location plan as below. The land in blue is within the same ownership but there is no development proposed in this area.

The Environment Agency Flood Risk map identifies indicates that the site falls within FZ1 (extract below) though it is now known that the map is incomplete in this area and so is inaccurate.

Figure 3: Environment Agency's Flood Map for Planning

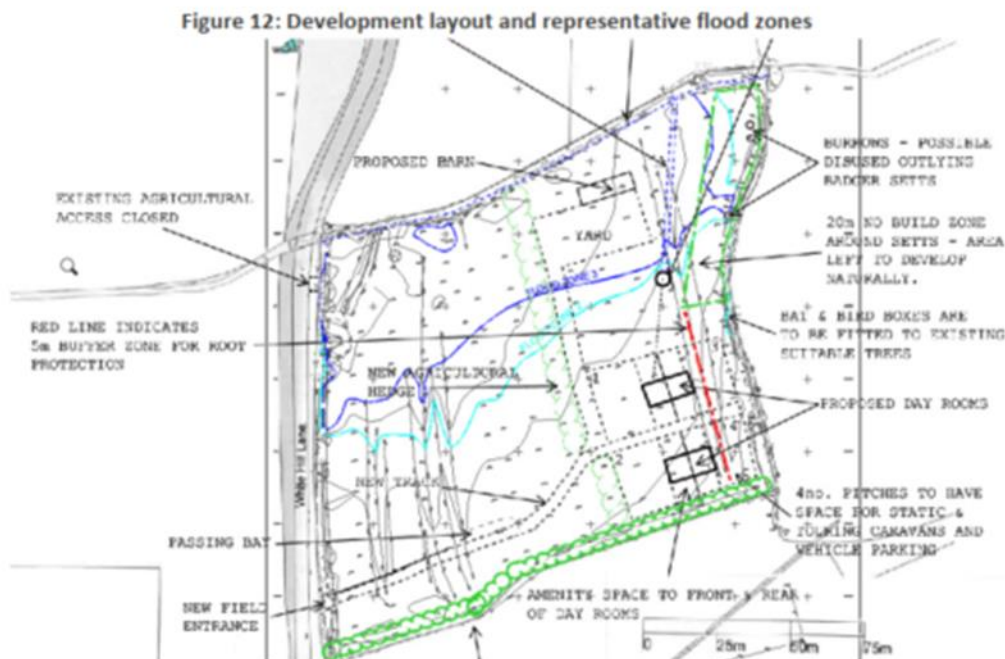


During the course of the application a number of representations received have raised concern in relation to the foul and surface water drainage arrangements as well as the general flood risks (pluvial and fluvial) that are apparent in the area. A number of photographs and videos have been submitted to the LPA which identify flooding across the site during April and October 2023. These show a significant proportion of field and road adjacent to the site (near the existing field entrance) under flood water. The photos and videos provide clear evidence of contemporary flood events affecting the field and Sodom Lane immediately adjacent. In light of this evidence and given that there no record to identify the definitive extent of fluvial flooding, the applicant agreed that a site specific FRA assessment would be needed in order for the LPA to fully understand the flood risks at the site. A FRA produced by SDS Consulting – Civil and Structural Engineers, was later submitted.

In producing the submitted FRA the applicant's consultant made enquiries to the Environment Agency to obtain: the detailed Flood Map of the area; the latest available modelled flood levels

for the watercourses in the vicinity of the site; the modelled flood extents; flood defence locations; details of historic flood events; and local flood history data from all sources of flooding. Though the response did identify that there are flood depths associated with the brook, the exact depth and extent of flooding within the site could not be determined from the flood model information received. It can be understood however that FZ2 & 3 do encroach into the site.

SDS have carried out calculations based on the levels indicated at the available node points close to the site, the assumption of a linear fall of flood levels between those points and the known topography of the site. From this information they have produced a drawing showing representative Flood Zones within the site to the south of Dautsey Brook. On fluvial flood risk, the FRA concludes that the published EA flood risk mapping is incomplete and therefore inaccurate. It further contends that on evidence available, representative flood levels can be calculated which indicate that the site falls within flood zones 1,2 & 3 with the northern most part of the site falling within the functional flood plain. When taking into account the combination of flood risks, including in particular the flood plain area, the flood risk within the field (area outlined in blue) is considered to be high.



The FRA goes on to assess the Flood Risk Vulnerability of the proposal, in particularly noting that caravan parks and mobile homes are 'Highly Vulnerable'. Such uses should only be allowed in FZ1. With reference to NPPF Table 2, the proposed development is an appropriate land use in Flood Zone 1 and Flood Zone 2 with the application of the exception test. No pitches are to be located in Flood Zone 3.

The proposed storage barn would be considered a 'Less vulnerable' development which is considered acceptable in Zone 1, 2 & 3a but should not be permitted in 3b. The NPPF also requires a sequential approach is applied to the location of development, taking into account all sources of flood risk along with future risks of climate change. The aim of the sequential test is to steer development to areas with the lowest risk of flooding. With this in mind, the applicant has reduced the red line location plan and refined the site layout such that the siting of the pitches

and dayrooms are within FZ1. The site access would also be to the south of the site, away from the areas most at risk of flooding.

The Council Drainage Team in their capacity as Lead Local Flood Authority and the Environment Agency have been consulted and have reviewed the submitted FRA. They are both generally satisfied that the main developed area of the site is at low risk of surface water flooding although to the north is at high risk, the development proposed for this area is Less vulnerable classification and acceptable in such locations subject to specific design requirements.

The EA are satisfied that the residential elements of development are within FZ1. They highlight that the proposed barn is located within FZ3, and anything stored within this barn is at risk of flooding. It was highlighted that the design of the barn would need to be amended to be designed as a floodable structure so that it would not impede flood flow. An example design was suggested to the applicant and their plans were amended in response.

The EA request a condition to prevent caravans from being stored within the barn as they can float away during a flood event and cause blockages. It is also suggested that a condition is necessary to prevent any ground raising within FZ 2 and 3. Advice in respect of flood warning and emergency escape, and foul and surface water drainage arrangements was included in their response.

The applicant confirms that the sewage treatment plant as indicated on the plan will comply with the Environment Agency's regulations. The treated discharge water (discharge pipes are indicated on the site plan) is intended to connect to the watercourse.

The Council Drainage Engineer requests a detailed drainage strategy be secured by condition to include foul water arrangements and evidence of how EA binding rules have been complied with or that an environmental permit has been obtained.

The proposal is considered to comply with criteria i of policy CP47 of the WCS.

CP47 ii) It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users.

The Council Highways Engineers have concluded, subject to conditions, that the access arrangements to the site onto the C120 Sodom Lane, are acceptable and will not cause significant hazard to other road users. Conditions will ensure the existing field access is stopped up and that the access is designed with sufficient splay and drainage arrangements.

The applicant will be informed that separate consent is required from WC Highways to create the new vehicle access. Land Drainage Consent may also be required for works which affect drainage ditches.

The proposal is considered to comply with criteria ii of policy CP47 and CP61 (ii) of the WCS.

CP47 iii) The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

The Council Drainage Engineer raises no objection to the proposal subject to a detailed foul and surface water drainage strategy being secured by condition.

There is nothing within the application or the consultee responses that would lead the LPA to conclude that the site cannot be adequately serviced.

CP47 iv) The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.

It is considered the site is large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas. The Council Highways Engineer has raised no objection to the internal layout of the site.

The Public Protection team have been consulted and raise no concerns in relation to noise or odour affecting future occupants. A condition is suggested to in relation to noise during construction for the benefit of existing surrounding neighbours.

CP 47 v): It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.

The site is located in open countryside outside recognised settlements. The nearest village is Brinkworth (2.1 miles). Grittenham is not a recognised settlement in the WCS and there is no evidence of any essential facilities or services at Grittenham. Brinkworth primary school is approximately 2 miles away to the north. Brinkworth also has a village hall, pub and church, nursery and recreational facilities. The market town of Royal Wootton Bassett is approximately 3.8 miles away and provides all essential services and facilities such as surgeries, food stores, schools, employment etc. Overall, a primary school can be accessed in Brinkworth which is 2 miles away but essential health services would be at Royal Wootton Bassett.

There is no public transport in this location so trips would be undertaken by private car.

An application for one pitch at Land South of Old Farm along this stretch of road was approved by the Council in December 2020 (20/05488/FUL refers). The delegated report explains that the location was not considered remote for a one pitch, single family site in that instance. In that case, the proposal was advanced on the basis of a personal need for the applicant's family, with only one pitch proposed on a well contained and spatially constrained site with no prospect of expansion.

In determining the appeal relating to the site between Old Farm and Goddards Farm (approximately 0.3km north of this site - Land at Grittenham - PL/2021/04055 Appeal ref: APP/Y3940/W/22/3312704), the Inspector accepted that the location was acceptable for two pitches referring to the fact that the pitches would be occupied by an extended family and noting that some of the journeys by car would be shared for that reason.

This application, for four pitches and commercial barn has the potential to generate considerably more journeys than these other proposals. It is, however, relevant to take into account that the supporting DAS also describes this as a proposal for the applicant's family, older children and mother in law to allow them to settle together as a family group on the land. This arrangement may reduce conflict with CP47 & 60 in respect of reducing motorised journeys.

When considering the nature of occupation as described by the applicant, it is considered that the number of unsustainable journeys could be mitigated. On that basis, and in line with the Inspector's decision in relation to the appeal site, it is considered that the site may be considered reasonably located.

As was the conclusion with the previously refused application for this site however, a non-personal consent for four pitches, without any supported requirements stemming from the GTAA and no personal need being identified, this location is considered to give rise to a greater number of unsustainable journeys making the location inappropriate.

The LPA has previously considered this site not to be within reasonable distance of service and facilities therefore contrary to CP 47 (v). However, since that decision in the LPA must now take into account a recent appeal decision (24 October 2023) relating to a similar proposal. The circumstances of this proposal are similar to the Land at Grittenham scheme, the drive times being directly equivalent and the appeal proposal being intended to provide pitches for an extended family, thus allowing for some shared trips. The differences between the proposals are not so significant to allow the LPA to reach a different conclusion.

On consideration of the above, the site is considered to be in a suitable location having regard to access to services and facilities in accordance with CP47v. It will be necessary to include a personal condition to ensure that the pitched are occupied as proposed.

CP47 vi) It will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.

The use of the site as a traveller site would result in a permanent change to character and appearance of the area, through the loss of agricultural land and a change in activity. The proposal will introduce an arrangement of built form in an area currently free from development.

The proposal has been reviewed by the Council Landscape Officer who has raised no objection and concludes that the proposed landscape mitigation to help integrate the development into its surroundings. The layout is described as being compartmentalised by providing a new hedgerow running north to south. The new built form lies to the east of the hedge leaving a paddock between the site and the road which is to be managed for hay. This new hedgerow defines the boundary that contains the living space and other activities from the remainder of the site, which can remain in agricultural use as a pastoral hay field. This addresses the threat of further eroding the rural character of the area through spillage of activities/clutter. The officer is satisfied that the site should become less discernible as the vegetation matures, especially as it is located in a fairly flat landscape where hedgerows interrupt long views. The new native hedge proposed along the entire length of the southern boundary which will in time provide screening and filtering of views for users of the PROW's BRIN22 & BRIN19. Views onto the site from the road will be fleeting if in a car.

The proposed day rooms are noted to be basic in their design with a choice of materials which is in keeping with the area and should weather down to give an appearance of natural stone. A barn is not an unexpected feature within a rural landscape.

Due to the distance from neighbouring residential properties, it is not considered that the amenity of neighbouring properties would be adversely impacted upon.

It is considered that with suitable planting around and within the site being secured by condition, this proposal will not have an unacceptable impact on the character of the surrounding area and wider landscape. The proposal is considered to comply with criteria vi of policy CP47 and CP51 of the WCS.

CP47 vii) Adequate levels of privacy should be provided for occupiers.

The site located approx. 160 metres north from the nearest residential property Gable End Farm to the south east. The accommodation at Brook Stud is approximately 230m to the south west. Old Farm is approximately 155m to the north of the site.

Due to the separation distances between properties and commercial/agricultural uses nearby it is considered that the proposals would not result in inadequate privacy for occupiers of the site.

In terms of the site layout itself the pitches are not separated by boundary treatments, but the mobile homes are set either side of the day room building. The nature of the site layout would result in four travellers' pitches within relatively close proximity to each other though there appears to be sufficient space to ensure each pitch has access to an outdoor space. The layout is similar to that of other travellers' pitches and as such would not result in harm to the amenity of the occupiers.

The proposal is considered to comply with criteria vii of policy CP47 and CP57 of the WCS.

CP47 viii) Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.

Linked with this criteria, PPTS Policy C and paragraph 25 state that *"local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure"*.

The site is located in the open countryside and outside of any settlement. Development in the surrounding area is comprised, sporadic detached properties, equestrian centre, farm properties with associated outbuildings. The application seeks permission for the creation of a 4-pitch traveller site, to provide accommodation for one extended household.

In considering this point the LPA must again have regard for the Land at Grittenham appeal decision in which the Inspector concluded at para. 39 that *The addition of two gypsy pitches some distance from both the hamlet and the village of Brinkworth would not dominate these nearby settled communities. Even taking into account the approved single gypsy pitch to the west of the appeal site, this would still not dominate the community.* In reaching this conclusion the Inspector noted that there were not a proliferation of gypsy and traveller sites in the locality.

It is considered that a cluster of residential units in this location could cause harm when considering the scale of the nearest settled community. In this case however, with the 'Land at Grittenham' proposal being dismissed at appeal, this leaves only the one approved pitch in the locality. Any residential occupation of the appeal site would be unlawful at this time and thus should not be considered as part of the baseline level of development. On the basis of the Inspectors conclusions at the recent appeal, the LPA finds that the proposal for four pitches for

this extended family would not dominate the existing community. This is reflected in the comments provided by the Council Spatial Planning officer.

Based on the information provided, the proposal for four additional pitches in this locality is considered to be acceptable in relation to the scale and character of its surroundings and existing nearby settlements. The proposal is therefore compliant with CP47 viii and PPTS para. 25.

CP47 ix) The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

The site is located in open countryside, adjacent to Grove Farm Meadows County Wildlife Site, a non-statutory designation made because it supports Priority Habitat Lowland Meadows – Neutral Grassland. Approximately 130m to the south east is Great Wood County Wildlife Site, designated for its Ancient Woodland and Priority Habitat Lowland Mixed Deciduous Woodland. Several ponds are located within 250m of the site and there is an existing record of Great Crested Newt a short distance to the north of the site.

Ecological survey of the site is required to assess the value of the ecology of the site and the potential for adverse effects on the surrounding Priority Habitats

The application is submitted with an ecology report (Preliminary Ecological Appraisal, Land at Manor Farm, Date: October 2022 by Wessex Ecology) which the Council Ecologist confirms provides a sufficient survey effort to determine the ecological baseline of the site and the suitable mitigation measures to ensure the continued functionality of the local area for biodiversity. Details in relation to hedgerow specification, and a grassland buffer zone and bat and bird boxes were added to the site plan on request.

A condition is requested to provide certainty on the exact specification of the habitat to be created via a detailed landscaping scheme. Further conditions required details of external lighting and compliance with the submitted plans and ecology report recommendations.

Subject to conditions, the proposed development is considered to satisfy the above criteria in accordance with Core Policy 47 (ix) and Core Policy 50 of the WCS.

Proposed storage barn – mixed use

CP47 is supportive of mixed use sites (residential and business uses) not result in an unacceptable loss of amenity and adverse impact on the safety and amenity of the site's occupants and neighbouring properties

In this case the proposal includes a storage barn for use in connection with management of the agricultural land and in connection with the applicant's storage business. Given the level of separation from nearby by properties and the taking into account the surrounding mix of development it is not considered that the level of activity associated with the proposed use would result in any excessive impacts that would be unacceptable to existing neighbouring residents or the proposed occupants of the site. It is important to consider that the barn is intended to be used by the occupants of the site therefore the likelihood of conflict between uses is minimised. The site is not appropriate located for new commercial storage building therefore a condition will be required to ensure the use is for the applicant only, and for the specific uses proposed in the application.

Biodiversity Net Gain

Core Policy 50 of the WCS Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. Section 15 of the NPPF requires that the planning authority ensures protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system.

It is noted that representations from the Wiltshire Wildlife Trust suggest that the application should include a baseline survey and management plan that uses the Biodiversity Metric to evidence no net loss of biodiversity. Whilst it is acknowledged that this is a reliable way to assess habitat baseline and demonstrate biodiversity loss/gain, at the time the application was submitted it was not a statutory requirement to provide this level of information. The scheme is not required to demonstrate 10% biodiversity net gain in order to comply with CP50.

Biodiversity Net Gain (BNG) is an approach to development seeking to ensure that habitats for wildlife are left in a measurably better state than they were before the development. As of 12 February 2024 (2 April 2024 for smaller sites) BNG is mandatory in England under the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This means developers must deliver a BNG of 10% to ensure development will result in more or better quality natural habitat than there was before development.

This application was received on 6 February 2023 prior to requisite dates introducing the mandatory requirement to demonstrate BNG. Therefore, this proposal is not required to demonstrate 10% BNG.

Heritage Impacts

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for works which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Core Policy 58 states that development should protect, conserve and where possible enhance the historic environment. Core Policy 57 expects that development is sympathetic to and conserving historic buildings and historic landscapes. Section 16 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

A number of representations have noted the proximity to nearby listed building, specifically Old Farmhouse, approximately 200m north and Goddard Farm approximately 300m north east. Both of these buildings are a significant distance from the application site and separated by intervening vegetation and/or other built form. Whilst the development would alter the character of its immediate surroundings and may be partially visible from the main road and public rights of way, it is unlikely that the setting of the listed buildings over 200m away would be adversely affected. The development would not intrude into or detract from any significant views of these listed buildings. Accordingly, their setting is considered to be unharmed and there is no conflict with CP57 or CP58 of the WCS in this respect.

Energy & Sustainability

WCS Core Policy 41 identifies how sustainable construction and low-carbon energy will be integral to all new development in Wiltshire. Major developments are required to include a Sustainable Energy Strategy. It is relevant to note that the energy performance standards referred to in CP41 for new homes is the 'Code for Sustainable Homes' which was removed by government in 2015. There is no replacement standard that Core Policy 41 will apply to at this time.

Representations have been received which raise that the development does not incorporate green energy features such as solar panels or heat pumps. The Public Protection team request a scheme for EV charging prior to the commencement of development.

On this matter it is relevant to note that recent changes to Building Regulations Part L (in force June 2023) have set new standards for the energy performance and carbon emissions for buildings – providing a 30% reduction in carbon emissions requirement. This will involve the improvements to insulation requirements, performance of building materials including glazing, improving airtightness and providing more efficient heating systems. Whilst the application does not include a proposal for the installation of heat pumps or solar panels the LPA is satisfied in this case that the enhanced energy performance and carbon emissions, including the provision of EV charging points, will be secured through compliance with building regulations.

Loss of Agricultural Land

The land subject of the application is agricultural land and is not allocated within the development plan for any other purpose. The NPPF expects the best and most versatile land to be protected – this is land graded between 1 to 3a. In this case the land is identified as grade 4 which is poor quality agricultural land. Accordingly, the proposal would not lead to the loss of BMV agricultural land.

10. Conclusion (The Planning Balance)

The site is located outside of any settlement. Policy CP2 states that outside the defined limits of development, other than in circumstances as permitted by other policies within this plan, as identified in paragraph 4.25. Within this list of 'exception policies' Gypsy and Traveller accommodation is listed under '*specialist accommodation provision*' and as such CP47 is of relevance to this application. This is a criteria based policy which can be used to provide the basis for decisions where there is no identified need in accordance with PPTS Para. 11

The 2022 GTAA is currently the most up to date assessment of accommodation need for travellers in Wiltshire. There is no evidence that the pitches proposed would be available to households with an identified need in the study. The proposal does not relate to any identified need and is considered to be a 'windfall' site. Accordingly, the proposal should be appraised against the specific criteria of CP47 of the adopted WCS.

From the assessment set out above, it is considered that the proposed development does comply with the provisions of exception Policy CP47.

Subject to conditions, it is considered that the site can be adequately drained and there are no barriers in relation to flood risk, ground stability or contamination. It is envisaged that the site can be served by essential services and the site can evidently accommodate an adequate level of parking, circulation space and achieve appropriate levels of amenity and privacy for all pitches.

In light of the recent appeal decision relating to Land at Grittenham, the proposal for four pitches in this locality is not considered to result in a cluster of residential development that is disproportionate the scale and character of its surroundings and the existing nearby settlements. The proposal does not give rise to amenity impacts that would affect existing residents nearby.

On the basis of the applicant's personal circumstances – i.e that the four pitches are to be occupied by one extended family, the proposal would not give rise to an unacceptable number of unsustainable journeys. As such, subject to occupancy of the site as described being secured by condition, the pitches for this family are considered to be sufficiently located to access services and facilities. The development is capable of being served by safe and convenient access to the highway network and would not cause a hazard to other transport users including cyclist and pedestrians.

Subject to appropriate materials and landscaping mitigation being secured by condition, the proposal will integrate sufficiently having an acceptable impact on the local character and appearance of the countryside. The proposal would not impact upon protected species and the proposed ecological mitigation measures will maintain acceptable levels of biodiversity across the site.

On consideration of the above, the proposed development is not found to be contrary to either local or national planning policy and should therefore be granted planning permission, subject to suitable conditions.

11. RECOMMENDATION

That planning permission be GRANTED 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:

JL-JH-01 Proposed Barn Floor Plan & Elevations
(received 4 June 2024)

JL-JH-02 D Location and Site Plan
(received 18 May 2023)

Visibility Splay Plan
(received 21 April 2023)

Hedgerow Details
(received 19 April 2023)

JL-JH-03 Proposed Day Room
JL-JH-05 Proposed Access Detail
(received 14 April 2023)

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

3. 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 occupied until surface water drainage scheme has been fully implemented 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.

4. No development shall commence on site until details of the works for the disposal of sewerage, including evidence to the LPA to support that the EA General Binding Rules have been met, has been submitted to and approved in writing by the Local Planning Authority. Where proposals do not meet the General Binding Rules, Environmental Permit applications for foul discharge must be made to the Environment Agency.

No accommodation on site shall be first occupied until the approved sewerage disposal scheme has been fully implemented in accordance with the approved plans.

REASON: In order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

5. No development shall commence on site until details of the stopping up of the existing field access, to the north of the proposed access, 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 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.

6. 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;
- all hard and soft surfacing materials;
- the location and specification of fence to delineate the “20m no build zone around setts –area left to develop naturally”
- details and location of bat roosts and bird boxes

- description and evaluation of existing and proposed ecological features to be managed

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.

7. All soft landscaping comprised in Landscape Plan shall be implemented in the first planting and seeding season following the first occupation of the accommodation on site or the completion of the development whichever is the sooner.

The site shall be maintained in accordance with the Landscape Plan for the duration of the development from the commencement of the scheme and shall be protected from damage by vermin and stock.

Any trees or plants which, 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 implementation and maintenance of a suitable biodiversity mitigation and enhancement strategy.

8. The development hereby permitted shall be undertaken in full accordance with the recommendations within Section 6 of the Preliminary Ecological Appraisal, Land at Manor Farm, Date: October 2022 by Wessex Ecology and shall not be brought into use/occupied until the suggested mitigation measures have been carried out in full.

The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

REASON: To ensure the protection, mitigation and enhancement of biodiversity

9. The development hereby permitted shall not be brought into use/occupied until the access, turning area and parking spaces have been completed in accordance with the details shown on the approved plans.

Access over the ditch shall be constructed such that surface water drainage shall not discharge onto the highway.

The first five metres of the access, measured from the edge of the carriageway, shall be consolidated, and surfaced (not loose stone or gravel).

The recessed access set back 4.5 m from the carriageway edge shall provide a minimum width of 4.5 m and its sides splayed outward at an angle of 45 degrees toward the carriageway edge. The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

10. 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.

11. The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants:

John Lee, Maria Lee, Olivia Lee, John Lee and Joan Orchard.

REASON: Planning permission for the development of four pitches has been granted on the basis that the applicants personal circumstances will require additional pitches for their extended family. The site is not considered to be within reasonable distance of services and facilities to provide four separate pitches.

12. When the land ceases to be occupied by those named in condition 11 above the use hereby permitted shall cease and all caravans, structures, materials and equipment brought on to or erected on the land, and/or works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

REASON: Planning permission for the development of four pitches has been granted on the basis that the applicants personal circumstances will require additional pitches for their extended family. The site is not considered to be within reasonable distance of services and facilities to provide four separate pitches.

13. No more than 8 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 4 shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Plan Rev. D, received on 18 May 2023.

No caravans shall be stationed or stored within the barn.

REASON: In the interests of visual amenity and flood prevention, and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

14. No commercial activities shall take place on the land, including the storage of materials, except within the approved barn which shall be used only for storage in connection with maintenance of agricultural land and in connection with the landscaping business operated by Mr Lee and no other purpose.

REASON: The proposed use is acceptable on the basis of a need for gypsies and travellers but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

15. 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.

16. 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 (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

REASON: To minimise unnecessary light spillage above and outside of the site and in the interests of conserving biodiversity.

17. There shall be no raising of existing ground levels on the site.

REASON: In the interests of visual amenity and flood prevention.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or reenacting 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 shall be erected or placed anywhere on the site.

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

INFORMATIVES

HABITAT/WILDLIFE

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.

EA PERMIT/BINDING RULES/LDC

It is noted that the applicant intends to discharge foul water via a Septic Tank / Private Treatment Plant. This requires consultation with the EA, see the EA guidance. The applicant can also contact the EA for pre-planning advice at swx.sp@environment-agency.gov.uk.

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.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows

Wiltshire Council's land drainage bylaws can be downloaded [here](#). The land drainage consent application form and guidance notes can be found on our website [here](#).

The applicant should note that LDC will be required for both the surface water and sewage treatment outlet discharges. For the sewage treatment outlet LDC, the applicant will need to include evidence that the General Binding Rules have been met.

VEHICLE ACCESS

The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license 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.

BUILDING REGS

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.

LAND OWNERSHIP

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.

CIL

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. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website <https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy>.



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