

Northern Area Planning Committee

MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 31 JANUARY 2024 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Howard Greenman (Vice-Chairman, in the Chair), Cllr David Bowler, Cllr Steve Bucknell, Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Martin Smith and Cllr Elizabeth Threlfall

1 **Apologies**

Apologies for absence were received from:

- Councillor Chuck Berry

2 **Minutes of the Previous Meeting**

The minutes of the previous meeting held on 6 December 2023 were considered.

Councillor Howard Greenman acknowledged the tributes made to Councillor Tony Trotman during the last meeting and requested that further details were included. Cllr Greenman noted his long-standing working relationship and friendship with Cllr Trotman and expressed his deep sense of loss at his passing. Cllr Trotman's kindness, compassion, and courteous demeanour were emphasised, and all Members reiterated how missed he would be in his local community and to all those who had the pleasure of knowing him over his lifetime.

Following which, it was:

Resolved:

The Committee approved and signed the minutes of the previous meeting held on 6 December 2023 as a true and correct record, subject to the inclusion of further detail in respect of the tributes made to Councillor Tony Trotman.

3 **Declarations of Interest**

There were no declarations of interest.

4 **Chairman's Announcements**

Councillor Howard Greenman as the Vice-Chairman in the Chair, paid tribute to Councillor Bob Jones MBE who had also sadly passed away since the last meeting of the Committee. The Committee held a minute's silence in honour of Cllr Jones and Members subsequently praised his dedication to representing his residents in Cricklade and Latton, alongside the attentiveness and diligence he gave to all aspects related to his position as a Councillor.

5 **Public Participation**

The Chairman explained the rules of public participation and the procedure to be followed at the meeting.

There were no statements or questions submitted.

6 **Planning Appeals and Updates**

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

Members requested that further historic and up-to-date data was included within the report moving forward to allow for comparisons between relevant figures such as the numbers of appeals received, allowed, and dismissed. Thus, enabling Members to assess the impacts of the decisions made by the Committee and further understand those decisions made by the Planning Inspectorate which Members felt was particularly pertinent considering the recent revisions to the National Planning Policy Framework (NPPF) published on 20 December 2023.

Following which, it was:

Resolved:

The Committee noted the appeals report for the period 24 November 2023 to 19 January 2024.

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

Public Participation

There were no named public speakers.

The Development Management Team Leader, Adrian Walker, introduced the report which recommended that the Committee grant planning permission, subject to conditions, for the extension of the existing substation comprising the

installation of a 400/132kV transformer, 3no. 400/33kV transformers, circuit breakers, construction of retaining wall and 33kV switchroom, formation of access road, culverting of watercourse, erection of fencing, and associated works.

Key material considerations were identified including the principle of development; landscape and visual impacts; impacts on neighbouring amenity; highway and public rights of way issues; environmental impacts; the safeguarding of protected species and/or habitats, and ancient woodland.

Attention was drawn to the late representations that had been submitted following publication of the agenda, one of which being from a Wiltshire Council Ecology Officer with regard to the impacts on the biodiversity of the application site. In order to demonstrate compliance with Core Policy 50 and the National Planning Policy Framework (NPPF), the development must compensate for the resulting significant harm to biodiversity. As the development was unable to achieve this within the application site, compensation must be delivered via an off-site woodland compensation scheme. A contribution to the Council for the delivery of a woodland compensation scheme would be acceptable as a last resort in this exceptional case where the planning balance was being resorted to. Officers highlighted that the contribution could be secured by a Unilateral Undertaking (UU) where a Section 106 was not required. It was confirmed that the current recommendation did not include a UU, and it remained to approved as in the officer's report.

Officers then highlighted that as per Agenda Supplement 2, an amendment had been made to the recommended conditions in which Condition 5 had been split to separate the demolition, site clearance, and vegetation clearance from the commencement of the development.

Members of the Committee then had the opportunity to ask technical questions to the officer. Details were sought on if the project could be described as that of national significance as per Paragraph 186c and Footnote 67 of the NPPF, biodiversity net gain requirements, and the need for the proposed expansion. Other questions related to the protection of bird nesting and the surrounding ancient woodland, engagement with local partners such as Wiltshire Wildlife Trust and the Forestry Commission, and the impact of the proposed access routes on nearby communities.

In response, officers clarified that although Paragraph 186c and Footnote 67 of the NPPF noted nationally significant infrastructure projects as an example, it was not limited to that, and Members were reassured that both the applicant and Wiltshire Council officers were doing all they could to control any harm to the ancient woodland. Furthermore, it was explained that the applicant, as a national provider, had explored all options to mitigate the loss of biodiverse land and had stated that there was no suitable land available to purchase to assist with the applicant's biodiversity net gain requirements of 10%. It was advised that compulsory purchase of land would not be appropriate for the delivery of a compensation scheme for the site, and officers felt that there would be lesser impacts than if a new site were to be considered. Finally, officers emphasised

the significant need for the proposed expansion due to the expected increase in demand across the local energy network.

The Unitary Division Member, Councillor Elizabeth Threlfall, then spoke on the application in which she acknowledged the benefits of the proposal, but highlighted concerns in respect of the cited biodiversity loss and harm to the local landscape.

A debate followed where Members expressed disappointment that a representative for the applicant was not in attendance, and discussed the comments received by the Council Ecology Officer, and the 18% biodiversity loss as a result of the proposal. Members emphasised the importance of scrutinising proposed applications and noted that they felt that there was not enough evidence demonstrating the need for the application, how the proposal would assist in achieving future demand, which local groups and communities had been contacted for biodiversity mitigation, and which alternative sites had been considered and why they weren't suitable.

Biodiversity replacement sites were discussed, and officers clarified that the requirements for biodiversity compensation prescribed that it should be directly related to the specific biodiversity impacts of the application, and therefore sites not related to those impacts could not be considered. It was confirmed that any contribution for compensation within Wiltshire would need to have the specific site confirmed before executing a Section 106 agreement. On the other hand, a contribution to be made through a UU would not need the specific site identified and would therefore be more appropriate.

During the debate, a motion to defer the application pending the submission of further documentation provided by the applicant was moved by Councillor Steve Bucknell and was seconded by Councillor Martin Smith.

The following documentation was to include:

- A fully justified needs report that set out the gap in capacity in the network that the extension to the substation sought to address.
- Details of local groups that had been contacted for local biodiversity gain.
- Justification as to why alternative sites would have a greater impact.
- The agreement of a Unilateral Undertaking for a contribution to biodiversity mitigation.

Following a vote on the motion, it was:

Resolved:

The Committee DEFERRED the application for up to three cycles pending the submission of further documentation and information to be provided by the applicant that Members felt was necessary to consider in order to make an informed decision.

8 **Urgent Items**

There were no urgent items.

(Duration of meeting: 2.00 - 3.55 pm)

The Officer who has produced these minutes is Ellen Ghey of Democratic Services,
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