

# AGENDA

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**Meeting:** Northern Area Planning Committee

**Place:** Council Chamber - Council Offices, Monkton Park, Chippenham,  
SN15 1ER

**Date:** Wednesday 28 February 2024

**Time:** 2.00 pm

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Please direct any enquiries on this Agenda to Ellen Ghey of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718259 or email [ellen.ghey@wiltshire.gov.uk](mailto:ellen.ghey@wiltshire.gov.uk)

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

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Membership:

Cllr Howard Greenman (Vice-Chairman)  
Cllr Chuck Berry  
Cllr David Bowler  
Cllr Steve Bucknell  
Cllr Gavin Grant

Cllr Jacqui Lay  
Cllr Dr Brian Mathew  
Cllr Nic Puntis  
Cllr Martin Smith  
Cllr Elizabeth Threlfall

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## Substitutes:

Cllr Clare Cape  
Cllr Ruth Hopkinson  
Cllr Peter Hutton

Cllr Dr Nick Murry  
Cllr Ashley O'Neill  
Cllr Tom Rounds

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## **Recording and Broadcasting Information**

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## **Public Participation**

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

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

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

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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 - 12*)

To approve and sign as a true and correct record the minutes of the previous meeting held on 31 January 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 minutes before the start 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.

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

### Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular,

questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on **Wednesday 21 February 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 23 February 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 13 - 14*)

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

### **Planning Applications**

To consider and determine the following planning applications:

7 **PL/2023/04681: 5 Studley Gardens, Studley, Calne, SN11 9FR** (*Pages 15 - 24*)

Relocation of garden fence.

8 **PL/2023/09202: The Mount, Upper Seagry, SN15 5EX** (*Pages 25 - 36*)

Variation of condition 2 of PL/2021/08755 "Erection of an agricultural building for livestock and machinery storage and associated track".

9 **PL/2022/09258: Minety Substation, Minety, Wiltshire, SN16 9DX** (*Pages 37 - 82*)

Extension of existing substation comprising installation of 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.

10 **PL/2022/04524: Land East of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ** (*Pages 83 – 112*)

Installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security fence & gates.



- 11 **PL/2023/03501: Land Near Minety Substation, Minety, Wiltshire, SN16 9DX**  
(Pages 113 – 136)

Variation of condition 3, 4, 5, 6, 7, 11 & 20 of 20/03528/FUL – To allow modifications to the approved layout, increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters, alterations to location of vehicular access.

- 12 **PL/2022/02824: Land at Somerford Farm, Brinkworth, SN15 5AU** (Pages 137 - 164)

Proposed Development is for a battery storage facility and ancillary development.

- 13 **Urgent Items**

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

## **Part II**

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

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## Northern Area Planning Committee

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**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

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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,  
direct line 01225 718259, e-mail [ellen.ghey@wiltshire.gov.uk](mailto:ellen.ghey@wiltshire.gov.uk)

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**Wiltshire Council**  
**Northern Area Planning Committee**  
**28<sup>th</sup> February 2024**

Planning Appeals Received between 19/01/2024 and 16/02/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
PL/2022/08298	Wall Ground Farm, Sopworth Road, Sherston, SN16 0QB	Sherston	Change of Use of Existing Building to a Separate Dwelling (Revised Proposal)	DEL	Written Representations	Refuse	30/01/2024	No
PL/2023/00382	The Mount, School Hill, Brinkworth, Chippenham, SN15 5AX	Brinkworth	Outline application for the sub-division of a residential plot and the construction of a self-build dwelling with associated infrastructure (All matters reserved except for access).	DEL	Written Representations	Refuse	31/01/2024	No
PL/2023/01007	Land south of Abberd Lane and east of Spitfire Road, Calne	Calne/Calne Without	Development of a new Local Centre comprising a Class E(f) day nursery and Class E(a) convenience store, with associated parking, access and landscaping.	NAPC	Written Representations	Approve with Conditions	01/02/2024	Yes
PL/2023/01515	The Old Post Office, Hankerton, SN16 9JZ	Hankerton	Outline application for a single dwelling	DEL	Written Representations	Refuse	09/02/2024	No
PL/2023/06299	88 Lime Kiln, Royal Wootton Bassett, Swindon, SN4 7HG	Royal Wootton Bassett	Erection of a new timber fence along the grass verge.	DEL	Householder Appeal	Refuse	07/02/2024	No
PL/2023/06970	34 Tugela Road, Chippenham, SN15 1JF	Chippenham	Single story rear extension to replace existing single story rear extension (Part Retrospective).	DEL		Refuse	09/02/2024	No

Planning Appeals Decided between 19/01/2024 and 16/02/2024

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Decision	Decision Date	Costs Awarded?
ENF/2022/00569	63 Pickwick Road, Corsham, SN13 9BS	Corsham	Alleged breach of installation of cladding	DEL	Written Reps	-	Varied & Upheld	07/02/2024	None
PL/2022/05823	Land to the rear of Arms Farm, High Street, Sutton Benger, SN15 4TP	Sutton Benger	Erection of 4 dwellings and associated works (Revised Proposal)	DEL	Written Reps	Refuse	Dismissed	02/02/2024	None
PL/2022/07365	63 Pickwick Road, Corsham, SN13 9BS	Corsham	(Retrospective) The installation of cladding to the front elevation of the property, finished in render.	DEL	Written Reps	Refuse	Dismissed	07/02/2024	None
PL/2023/03758	26 Milbourne Park, Milbourne, Malmesbury, SN16 9JE	St. Paul Malmesbury Without	Retrospective proposal for car port	DEL	Householder Appeal	Refuse	Dismissed	02/02/2024	None

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## REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Report No.

<b>Date of Meeting</b>	28 <sup>th</sup> February 2024
<b>Application Number</b>	PL/2023/04681
<b>Site Address</b>	5 STUDLEY GARDENS, STUDLEY, CALNE, SN11 9FR
<b>Proposal</b>	Relocation of garden fence
<b>Applicant</b>	Estela Rodriguez Perea
<b>Town/Parish Council</b>	Calne without
<b>Electoral Division</b>	Councillor Ashley O'Neil
<b>Type of application</b>	Householder Planning Permission
<b>Case Officer</b>	James Webster

### Reason for the application being considered by Committee

The application has been called to the Northern Area Planning Committee by Councillor O'Neil so as to allow consideration of the proposal in the context of the objections raised by the Calne without Parish Council and the potential design, highway/environmental and relationship to adjoining properties impacts.

### 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 planning permission be granted.

### 2. Report Summary

This report will examine the proposed extensions and explore the process by which the appropriate conclusion has been reached. It will set out the public benefits which will be obtained as a result of the application and the various impacts which may occur.

The key issues in considering the applications are as follows:

- Principle of development
- Design and scale
- Impact on residential amenity
- Highways and parking

The Parish Council have raised an objection to the proposal as they have concerns over the potential impacts on both the listed buildings and the wider area.

### 3. Site Description

The application site is located within a relatively newly built housing estate on the north side of the A4 (and immediately opposite Derry Hill) at Studley. Studley Gardens consist of a mix of detached and semi-detached properties with broadly consistent spacing, plot size and relationship with the road frontage. The properties are constructed of reconstituted stone, pantile roofs and a mix of dry-stone wall, estate railing and closed boarded fencing for boundary treatments.

No.5 Studley Gardens is a corner plot, orientated gable onto the main throughfare, with its front door accessed from a private drive type subsidiary road within the development, serving several properties. The boundary to its rear garden is a 1.8m tall close boarded fence, which follows the building line of the property. A c.4m wide strip of incidental grassed land, along with two ornamental flowering cherry trees and shrubs/hedging, is positioned between the fence and the edge of the private drive.

The application has been submitted on the basis that the strip of incidental grassed land is under the control of the applicant.

The road network within the development is private and has not been offered for adoption by Wiltshire Council as it does not have street lighting.

#### **4. Planning History**

PL/2023/02026- 5 Studley Gardens, Studley, Calne, SN11 9FR- relocation of garden fence. Refused.

#### **5. The Proposal**

Planning permission is sought for the relocation of the existing 1.8m tall close boarded fencing (described as a Jacksons flat top tongue and groove fence) to a position some 2.0m from the edge of the private drive, thereby moving part of the incidental grass strip into the private garden area. The fence is to be moved out approximately 0.8m resulting in approximately 1.3m of hedging remaining. Some of the shrubbery/hedging will be removed, with the two ornamental trees remaining.

The earlier 2023 application sought permission for a repositioning of the fence hard up against the private drive, with none of the shrubbery/hedging to be retained.

#### **6. Local Planning Policy**

Wiltshire Council's Core Strategy - Policies CP51, CP57 and CP58  
Calne Community Neighbourhood Plan – Policies BE1, BE2 and GA2

#### **7. Summary of consultation responses**

Calne without Parish Council: Objection:

*"CWPC have considered the revised proposal and have concluded that the amendments do not remove the previous objections submitted. Therefore we would like to restate the objections we gave to the previous proposal.*

*"CWPC wishes to object to the application and the basis of appearance. layout and highway safety.*

*When the development originally gained planning permission the Parish Council spend significant time considering the landscaping of the development to ensure that it blends in with the village and didn't look too industrial.*

*The parish council feels that the plans for this fence would be detrimental to the appearance of the development.*

*The Council also hold concerns that the fence could introduce a safety issue to pedestrians and cyclists as the line of sight from traffic movements from No.6 Studley Gardens would be obstructed."*

Council Highway Engineer – No objection. Confirms that all roads at the development are private and not adopted by the Council as the Highway Authority. There is no street lighting.

## **8. Representations**

One representation received, initially objecting to the proposal, raising concerns over the potential impact upon parking, manoeuvring space, available space for bins and aesthetics of the site.

Subsequent comment received from the same neighbour stating that they had no objections or concerns in relation to the plans. States that they support the proposal.

## **9. Planning Considerations**

### Principle of development

The new fencing to be erected relates to an existing residential property, the principle of which is considered to be acceptable. The principle of incorporating incidental landscaping is also considered to be acceptable.

Nevertheless, the ultimate acceptability of the proposal turns on the consequent effect upon the character and appearance of the locality, as assessed against adopted planning policy.

### Scale, design and landscaping

Paragraph 131 to the NPPF states:

*"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

Core Policy 57 (CP57) requires that development be of a suitable design and quality for the site and immediate area and sets out fourteen separate criteria which development proposals are required to meet in order to be considered acceptable. CP57 states that:

*“...Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.”*

Criterion (iii) of CP57 requires that proposals:

*“... respond(ing) positively to the existing townscape and landscape features in terms of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines to effectively integrate the building into its setting.”*

Analysis of the relevant application submission, reports and documentation for both the original outline (15/10457/OUT) and subsequent reserved matters (RM) (17/03035/REM) applications for the dwellings at Studley Gardens demonstrates the critical importance of: (i) layout, (ii) communal landscaping, (iii) relationship between plot and building line, and (iv) associated fence-lines, to the overall character of the development.

In particular, the original Officer's Report for 17/03035/REM (dated 06/09/2017), confirms that the landscaping scheme was amended during determination with the specific aim of 'softening' the development; it states:

*“Landscaping – The applicant have enhanced further the landscape planting and boundary treatments, including new estate railings along the A4 and native Horbeam hedgerow in response to concerns raised regarding the impact of the A4 and the need to soften the development. Areas of meadow have also been incorporated within the larger open spaces and along site boundaries to enhance green links through the development.”*

However, at that Committee the proposed landscaping was still considered insufficient and amendments to the proposed plans were deemed to be required. That RM application was then subsequently determined at Committee of 01/11/2017, with the Addendum Report for that application confirming the changes proposed as being:

*“Changes made to the layout include: a more informal shared space lane approach (countryside kerbs/verges both sides), including variable widths, where the lane narrows and widens organically with some houses siding on to create pinch points/focal points through the lane. The road width ranges from 6m narrowing down to 4.1m with 2m & 1m verges each side. The revised layout takes account of space in front of plots 3 to 6, with the introduction of grass verges (reducing hard surfacing), 3 no. on street trees to break up parking and changes of the surface treatment to tarmac.”*

As such it is apparent that, the 'grass verges' in front of plots 3 to 6, along with the 3no. trees, were specifically introduced to make the landscaping of this development acceptable, in a clear demonstration of responding to the advice set out at paragraph 126 of the Framework in terms of 'creating a better place' to make this development acceptable to the local community.

Accordingly, it is clear that landscaping detail was a fundamental consideration during the determination of the RM details, and for these reasons, the following Condition (as no. 5) was proposed, and attached to, RM Decision Notice 17/03035/REM:

*“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 gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed anywhere on the site.*

*REASON: In the interests of visual amenity.”*

The earlier 2023 application was found to be unacceptable in the above context, since it repositioned the fencing hard up against the private drive, thereby entirely losing the grassed verge, the shrubbery/hedging (albeit retaining the two ornamental trees) and its consequent “softening” visual effect. In contrast, this new proposal does retain a strip of incidental landscaping, setting back the new fence from the road frontage and retaining a degree of shrubbery and the two ornamental trees.

The use of close boarded fencing to define gardens and boundary treatments is already a feature of the Studley Gardens. Indeed, whilst the majority of the boundary treatments seen across the estate follow the building line of the property they serve, (so that they do not get closer than the property itself), it is not with precedent for close boarded fencing to dog-leg closer to the road frontage, as can be seen at plots 57 and 21. In both cases, and like the proposal under consideration, a degree of incidental landscaping is retained between the road and the fence.

In this particular case, the loss of incidental landscaping is minor and is not considered to undermine the high-quality landscaping sought and achieved at Studley Gardens. The retention of the existing fencing, albeit positioned a few metres closer to the road frontage is not considered to unacceptably change the character and appearance of the locality. As such the proposal is considered to continue to comply with the requirements of CP57(iii) of the Wiltshire Core Strategy and Policies BE1, BE2 of the Calne Community Neighbourhood Plan.

#### Impact upon amenity

Regarding the amenity of the neighbouring properties in terms of overlooking, loss of light or privacy impacts, the proposed re-location of the fence, is approximately 12m from No 6, 10m from No 7 and 5.5m from No 8. As a result of the distance between the proposed location of the fence it is not considered to result in an unacceptable impact upon the amenity or living conditions of the surrounding occupiers of neighbouring properties. In this respect, the proposal will comply with policy CP57 to the Wiltshire Core Strategy.

#### Highway safety

It is understood that roads within Studley Gardens development are not adopted by Wiltshire Council as the Highway Authority. The access adjacent to the relocated fence serves a

handful of properties and is not a through road. Bollards allow for pedestrian and cycle access to the A4.

Comments are made by the Parish Council and within the initial representations made by the neighbour in respect of the potential for the relocated fence to reduce visibility and cause a safety issue for pedestrians and cyclists.

However, in the context of the nature of the private drive and low numbers of vehicular movements, the repositioning of the fence is considered minor and would not impede visibility to such a degree that it would cause an unacceptable impact on highway safety. Similarly, there is no evidence to suggest that it would somehow mean that sufficient space would not remain for bin storage. The Council's Highway Engineer has confirmed that they raise no objections to the proposals.

Accordingly, the proposed development is considered to not cause an unacceptable impact on highway safety and will meet with the requirements of policies CP57(xiv) and CP61 to the Wiltshire Core Strategy, policy GA2 to the Calne Community Neighbourhood Plan as well as those set out in section 9 to the NPPF.

## **10. Conclusion**

The retention of the existing fencing, albeit positioned a few metres closer to the road frontage, is not considered to unacceptably change the character and appearance of the locality or cause an unacceptable impact upon the amenity and living conditions of surrounding occupiers. As such the proposal is considered to continue to comply with the requirements of CP57 of the Wiltshire Core Strategy and Policies BE1, BE2 of the Calne Community Neighbourhood Plan.

It is also noted that the Highways Engineer has raised no objection or comment to the proposal. Due to the limited movement of the fence and the absence of an unacceptable impact on highways safety, it is considered that the proposal has complied with the requirements of CP61 of the Wiltshire Core Strategy, policy GA2 to the Calne Community Neighbourhood Plan, and section 9 to the NPPF.

**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:



Existing Site Block Plan  
Proposed Site Block Plan  
(Received by LPA 12<sup>th</sup> June 2023)

Site Location Plan  
(Received by LPA 22<sup>nd</sup> June 2023)

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

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

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

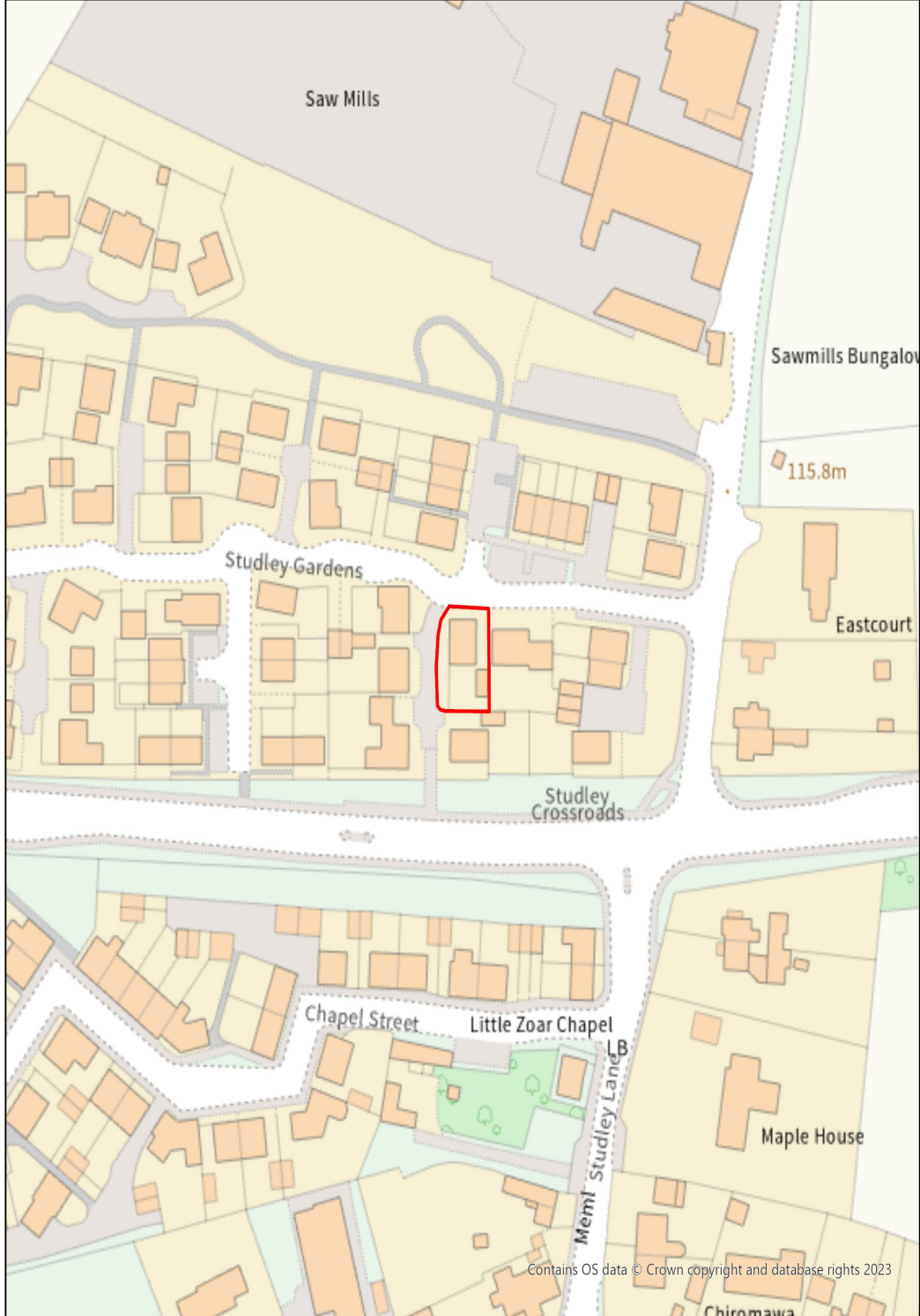
### **Informatives**

4. The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.
5. The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

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

6. Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.
7. Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
8. The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. 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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## REPORT TO THE AREA PLANNING COMMITTEE

<b>Date of Meeting</b>	<b>28/02/2024</b>
<b>Application Number</b>	<b>PL/2023/09202</b>
<b>Site Address</b>	<b>The Mount, Upper Seagry, SN15 5EX</b>
<b>Proposal</b>	<b>Variation of condition 2 of PL/2021/08755 "Erection of an agricultural building for livestock and machinery storage and associated track"</b>
<b>Applicant</b>	<b>Mr Nick Good</b>
<b>Town/Parish Council</b>	<b>Seagry Parish Council</b>
<b>Division</b>	
<b>Grid Ref</b>	
<b>Type of application</b>	<b>Householder Planning Permission</b>
<b>Case Officer</b>	<b>Samantha Stockley</b>

### **Reason for the application being considered by Committee.**

Application called in by Cllr H Greenman due to concerns raised. These include the scale and design of the development, the visual impact of the proposal on the surrounding area. The relationship of the proposed to adjoining properties in addition to the environmental impact. The proposal also used the wrong materials and larger than the original proposal.

### **1. Purpose of Report**

The application concerns a variation to the design and finish materials to an agricultural livestock building on the edge of Upper Seagry in addition to the revised access which has received a number of letters of objection from the neighbouring community with regard to the proposal's impact on amenity, the streetscape, and being out of keeping with the character of the area.

### **2. Report Summary**

The application has undergone an assessment within the report and found the proposal to have an acceptable impact on the streetscape and the materials to be in keeping with an agricultural building of its nature within the rural countryside.

### **3. Site Description**

The application relates to an open agricultural land, located within the open countryside outside of any defined settlement. There is archaeological potential and interest within the locality and the locality is also susceptible to ground water flooding. The building's materials

(retrospective) include green box profile steel sheeting to the elevations. The roof is formed of green box profile steel sheeting with roof lights. A central roller door to the north elevation with a small personnel door and a central roller door to the south elevation. Access is taken from an unnamed road which runs through the centre of the small village.

In terms of policy constraints, the site is not located within the open countryside with Seagry Parish Neighbourhood Plan (2021)

#### 4. Planning History

PL/2021/08755 - Erection of an agricultural building for livestock and machinery storage and associated track- **(Approve with Conditions)**.

PL/2021/06188 - Demolition of existing outbuilding and part erection and part conversion to form 1no. dwelling (self-build); erection of attached double garage; alterations of existing access. **(Withdrawn by Applicant)**.

20/11118/FUL - Demolition of existing outbuilding and part erection and part conversion to form 1no. dwelling; erection of attached double garage; creation of new access – **(Refused)**.

20/07250/FUL - Demolition of existing outbuilding and erection of replacement outbuilding with link to existing stable block. – **(Approve with Conditions)**.

17/05035/FUL – Development of 8no. houses (including 3no. affordable homes) with garages and covered parking. **(Withdrawn)**.

18/04272/FUL – 8 houses (3 affordable), associated garages and covered parking **(Refused)**.

#### 5. The Proposal

The application seeks planning permission for variation to condition 2 (approved plans) for Regularise amendments to the design, materials and access lay out.

Materials: The proposed would see the approved finished material changed from concrete panels on the lower walls with Yorkshire boarding on the upper walls to Juniper Green plastic-coated steel walls and roof.

Design:

*The Approved Plans*

**North Elevation.** The north elevation approved plans are to have two roller shutter doors, and an open bay with a metal sheeted gate on the right. The elevation was proposed to have a gable end in the centre of the building, to be a design feature.

**East Elevation.** The approved plans eastern elevation is to be fully enclosed and benefit from a one metre overhang and either side of the building.

**South Elevation.** The permitted elevations include a roller shutter door in the centre of the building, which is proposed to measure 3m in length. The building was proposed to have three translucent roof panels.

**West Elevation.** The western elevation is approved to have the left side with an open partition with a metal sheet gate and the right being fully enclosed with. The building was approved to incorporate a one metre overhang on both sides.

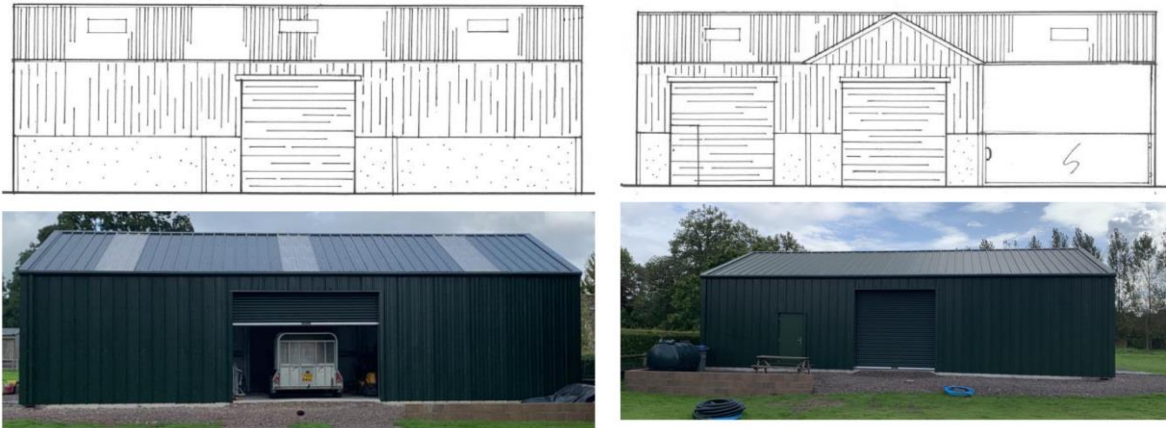
*The Regularisation proposed plans.*

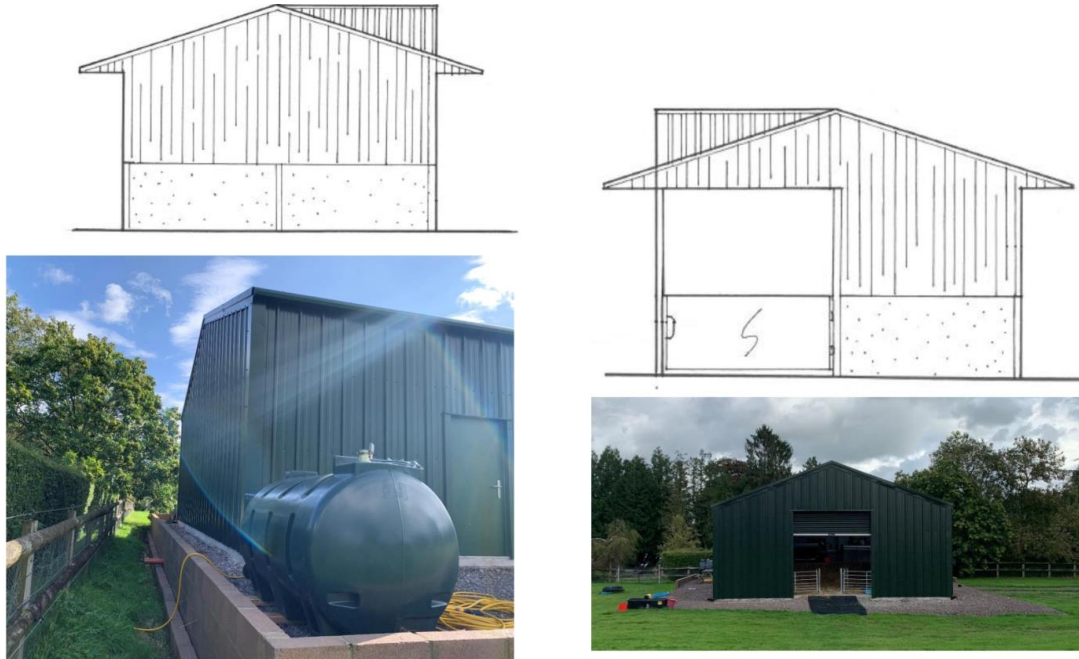
**North Elevation.** The north elevation has been built with one roller shutter door which measures 3 meters in length which is on the centre of the elevation and a pedestrian door to the left, which measures 1 metre. The right of the building is fully enclosed.

**East Elevation.** The building is fully enclosed. The building does not incorporate the overhang and is fully enclosed.

**South Elevation.** This has been built similar to the proposed plans. The roller shutter door is in the centre of the building but measuring 4m in length. The translucent roof panels have been incorporated.

**West Elevation.** The building has a roller shutter door in the centre of the building which extends to 3 meters wide. The elevation overhang has been changed to allow it to be fully encased.

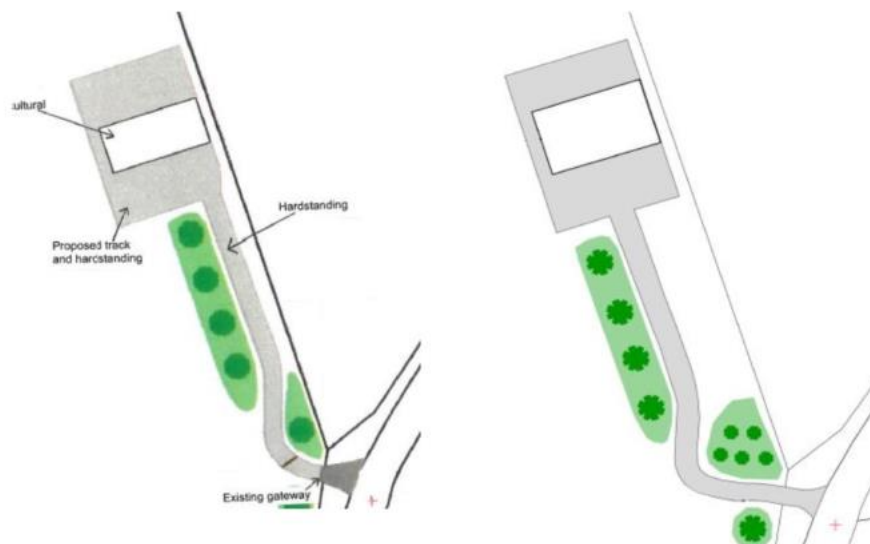




Reposition of the access.

The access Approved followed access from the existing gate way with trackway following the boundary fence line to the approved unit.

The variation seeks to regularise the access track running from the existing but would be shifted away from the fence boundary to the west running straight to lead to the centre of the building where the roller shutter entrance doors are located.



**6. Planning Policy**

Wiltshire Core Strategy (WCS) (Adopted January 2015)



Core Policy 1 – Settlement Strategy  
Core Policy 2 – Delivery Strategy  
Core Policy 51 – Landscape  
Core Policy 57 – Ensuring High Quality Design and Place shaping.  
Core Policy 58 - Ensuring the conservation of the historic environment  
Core Policy 60 - Sustainable transport

Seagry Parish Neighbourhood Plan (Made May 2021)

Policy SNP5 – Character and Design  
Policy SNP6 – Small infill development.

Wiltshire Housing Site Allocation Plan (Adopted Feb 2020):

Settlement Boundary Review and site allocations.

National Planning Policy Framework (NPPF) (2023)

Paragraph 11 – Presumption in Favour of Sustainable Development  
Paragraph 38 – Proactive Approach to Decisions  
Paragraph 59 – Planning Condition and Obligations  
Paragraph 110 – Consideration of Development Proposals  
Paragraph 130 – Function and Form of Development  
Paragraph 134 – Achieving well-designed and beautiful places.  
Paragraph 174 – Planning and flood risk.  
Paragraph 192 and 194 – Ground conditions and pollution

## **7. Consultations**

Seagry Parish Council: Objection

(Condensed) Advise an objection to the overall building being in noncompliance to the approved plans with no requirement to the access track to be amended. The proposed is out with the policies of the neighbourhood plan and conflicts with the character of the area due to the scale and materials.

## **8. Publicity**

There were 6 letters of representation received in response to the application. With 3 raising an objection and 3 comments.

The objections raised the following material concerns relevant to the specifics of this application.

- Harmful Impact on the Landscape,
- Harmful impact on the character of the Village
- Harmful impact due to the Scale of Development
- Inaccurate plans

## **9. Planning Considerations**

### **Assessment**

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 principle of the agricultural building within small villages including Upper Seagry subject to a range of site-specific considerations and compliance with relevant policies, neighbourhood plans is broadly accepted and in this instance the principle of development has been established under application PL/2021/08755.

### Impact on the Character, Appearance and Visual Amenity of the Locality

Core Policy 57 of the WCS sets out that a high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complimentary to the locality.

Core Policy 57, also, requires that applications for development should respect the local character and distinctiveness of the area with regard to the design, size, scale, density, massing, materials, siting and layout of the proposal. This is also reflected in the SPNP and in this respect policy SNP5 is relevant. WCS.

Core Policy 51 is also relevant as it requires that development should not cause harm to the locally distinctive character of settlements and their landscape setting.

Paragraph 130 of the NPPF states, among other matters, that development should be visually attractive as a result of good architecture and be sympathetic to local character.

The need for good design is reinforced by the National Design Guide (2021). Material concerns have raised by the Parish Council and Neighbouring parties with regards to the revised scale, design and amended materials in addition to the reposition of the track way due to impact on the open countryside and locality.

While it's noted that the original design is similar to a timber field shelter, one of which is within close proximity north to the site, and that the proposed is a more enclosed agricultural design with a stronger commercial/agricultural appearance and materials. The variation is still formed of a design and material found within the open countryside in various designs and scale. The revised design is also modest in terms of its simplistic design and still reflects the original intended use, and if viewed from public vintage points, the proposed building would not appear out of character. In addition, the proposed building would back onto existing buildings at the rear and it would be read within this context.

The objections received from the Parish Council have suggested the application is also considerably larger than that previously approved. In terms of eaves and ridge height there is no variation. In terms of footprint the building is 0.10m longer than that of the original. In terms of depth the original has an enclosed depth of 7 metre with a 1m overhang either side resulting in a roof span measuring 15m x 9m. The variation has the sides enclosed from the edge of the roof instead of inset with an overhang, as such the internal footprint is no larger than that of the original approved roof span.

Furthermore, the application building when compared to the overall scale/size of the application site would appear subservient in its setting given the limited scale and simple design of the building and as a result, a large portion of the land would remain undeveloped.

In addition, although the building would be visible from some vantage points, it is determined that the variations to the scale, and form, of the proposed building is largely typical of a countryside location and setting and as such it would not appear wholly out character and harmful to the visual amenity of the locality.

The alteration of the trackway appears to be more practical in terms of accessibility and manoeuvrability for larger vehicles especially if hauling trailers to access the site and building as needed. While it is recognised that the track would cut across a small area of the site it is not considered to be significantly harmful. It is determined that the proposed alterations would not see any of the existing trees or planting removed and would create a more direct access track. The access to the road would still be taken from the approved access with no alterations.

The proposal is therefore in accordance with policy CP51 & 57 of the WCS, policy SNP5 & 6 of the SPNP & para 130 of the Framework

#### Impact on Residential Amenity

Paragraph 130(f) of the NPPF seeks to secure a high standard of amenity for existing and future users. This is further reflected in Core Policy 57(vii) of the WCS which requires the proposed development to achieve appropriate levels of amenity in respect to neighbouring buildings and within the development itself.

The variations to the barn finish and access (retrospective) are not deemed to have any significant harmful impact in neighbouring residential amenity as the building is not located in close proximity to surrounding residential properties outside the control of the applicant.

The application does not include for a variation in use and on this basis, it is deemed that the proposal will not result in any unacceptable harm to the amenities or living conditions of residential occupiers in the context of an overlooking, loss of privacy or overbearing impact.

In the context of odour, concerns have been raised by interested third parties/neighbouring properties about the disposal of manure from the development which was addressed in the original application approval PL/2021/08755 and are not subject to this application.

In summary, the variations would be limited to the material finish, design, sale and improved trackway access and therefore would not likely result in significant harm with regards overshadowing, loss of outlook or noise impact on neighbouring properties.

## **10. Conclusion**

The proposed variations to the barn materials, scale and altered access layout and associated works at The Mount are deemed to be acceptable in principle and also acceptable in relation to the locality and open countryside in terms of scale, materials and design. In addition, it is also determined that the variation of changes would not cause further harm to the visual impact of the streetscape due to the setback position of the building or to the amenities enjoyed by the occupants of the surrounding properties and is therefore in accordance with CP51, CP57, CP58 & CP60 of the WCS, policy SNP5 & 6 of the SPNP and paragraph 130, 174, 192 & 194 & section 12 of the Framework.

## **RECOMMENDATION**

That planning permission be GRANTED subject to the following conditions:

**Conditions:** (3)

1. The development hereby permitted shall be begun before the expiration of this permission on 19<sup>th</sup> April 2025.

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

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

Location Plan - KCC3042-03 -Received 24<sup>th</sup> October 2023

Proposed Block Plan Rev B KCC3042-02B -Received 24<sup>th</sup> October 2023

Proposed Floor Plan and Elevations Rev A - KCC3042-01A -Received 24<sup>th</sup> October 2023

Supporting Statement KCC3042-SS Oct 23 Final- Received 24<sup>th</sup> October 2023

Proposed Visibility Splay KCC3042/05 03/22ec – Received 4<sup>th</sup> March 2022

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

3. If within a period of 10 years from the date of this permission dated 19<sup>th</sup> April 2022, the agricultural use of the building hereby permitted permanently ceases, the building/structure and resulting demolition materials shall be removed and the site shall, within a period of three months from the date of the substantial demolition of the said building/structure, be restored to its condition before the development took place or to such other condition as may be agreed in writing by the Local Planning Authority.

REASON: To ensure that the agricultural buildings/structures are removed on cessation of their agricultural purposes, in the interests of protecting the rural character of the area.

4. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match be as stated on the approved plans, application form and submitted documentation received 24<sup>th</sup> October 2023.

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

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

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate

6. 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. levels of amenity are achievable.

7. No external lighting shall be installed/erected on site unless details of the lighting scheme/location are 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: To minimise light pollution and in the interests of the amenities of the area.

8. 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), the barn shall be used solely for agricultural purposes.

REASON: The proposed use is acceptable, but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

#### **Informatives: (4)**

1. 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.
2. 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.

3. 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.
4. 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

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## COMMITTEE REPORT

<b>Application Number</b>	PL/2022/09258
<b>Site Address</b>	Minety Substation, Minety, Wiltshire, SN16 9DX
<b>Proposal</b>	Extension of existing substation comprising installation of 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.
<b>Applicant</b>	National Grid Electricity Transmission plc
<b>Town/Parish Council</b>	CHARLTON AND HANKERTON
<b>Electoral Division</b>	Brinkworth – Councillor Elizabeth Threlfall
<b>Grid Ref</b>	400081 189923
<b>Type of application</b>	Full Planning Permission
<b>Case Officer</b>	Adrian Walker

### Reason for the application being considered by Committee

The application has been called-in by the Division Member (Brinkworth Division) Elizabeth Threlfall (on the 16<sup>th</sup> January 2023) for the following reasons - ‘scale of the development’, ‘design’ and ‘environmental/highway impact’. It was also stated that the “Long term implications for the intensive development of the area with massed BESSs and solar farms. Also issues with construction traffic” need to be fully considered.

The application was heard at Northern Area Planning Committee on the 31<sup>st</sup> January.

The Committee voted to defer 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.

The following documentation was to include;

- Fully justified needs report that sets out the gap in capacity in the network the extension to the substation seeks to address.
- Details of local groups that have been contacted for local biodiversity gain.
- Justification for why alternative sites would have a greater impact.
- Agreement of a Unilateral Undertaking for a contribution to biodiversity mitigation.

The applicants have provided the following documentation;

- Needs Case Dated 02/02/2024
- Minety BNG Letter Dated 15/02/2024

A Unilateral Undertaking is also being prepared for a contribution to biodiversity mitigation.

## 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 to grant planning permission subject to conditions.

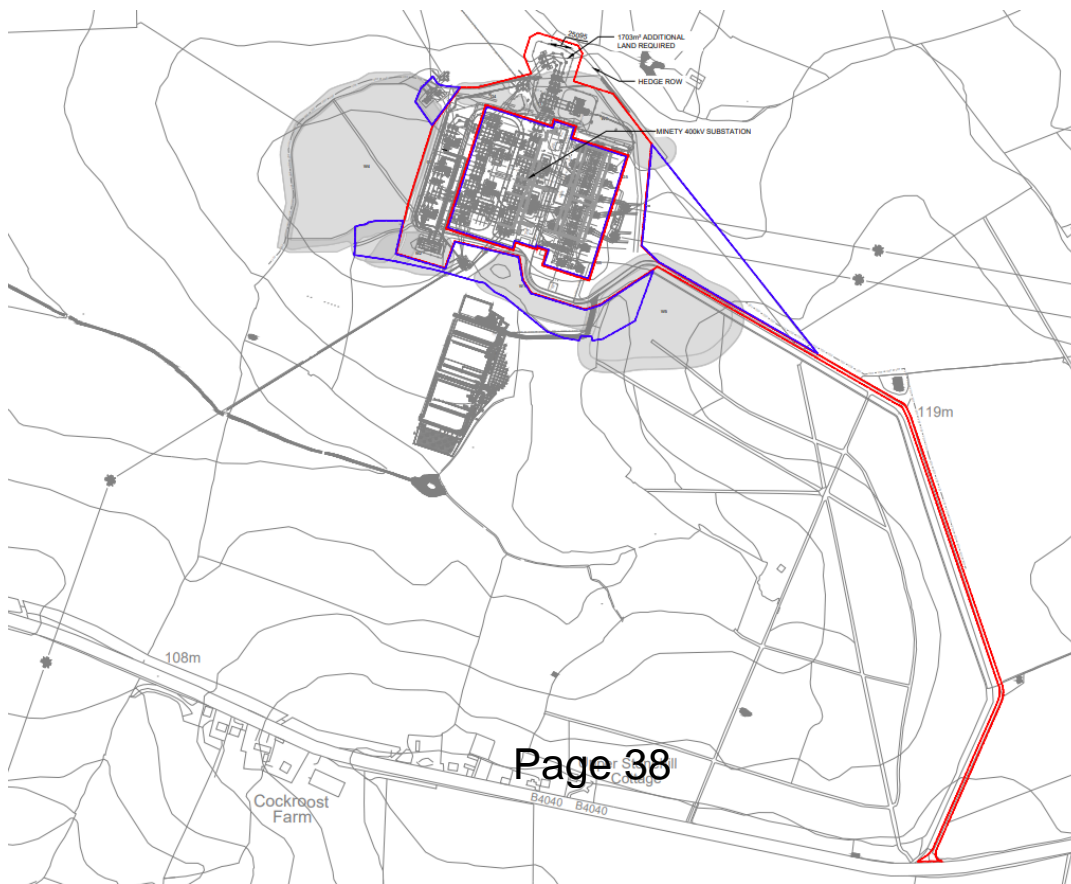
## 2. Report Summary

The main issues for consideration are:

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

## 3. Site Description

The site comprises the existing Minety substation which is located to the north of the B4040 between Minety and Charlton, and north of Stonehill Wood. The Planning, Design & Access Statement (November 2022) by National Grid explains that the Minety Substation is an outdoor 400kV four switch mesh air insulated switchgear (AIS) substation consisting of four super-grid transformers (SGTs) which are connected to an SSE-owned 132kV substation. Minety Substation also has four incoming overhead line feeder circuits. The site is accessed from an access road off the B4040, which wraps around the eastern edge of Stonehill Wood, as shown on the extract from the submitted Location Plan below:-

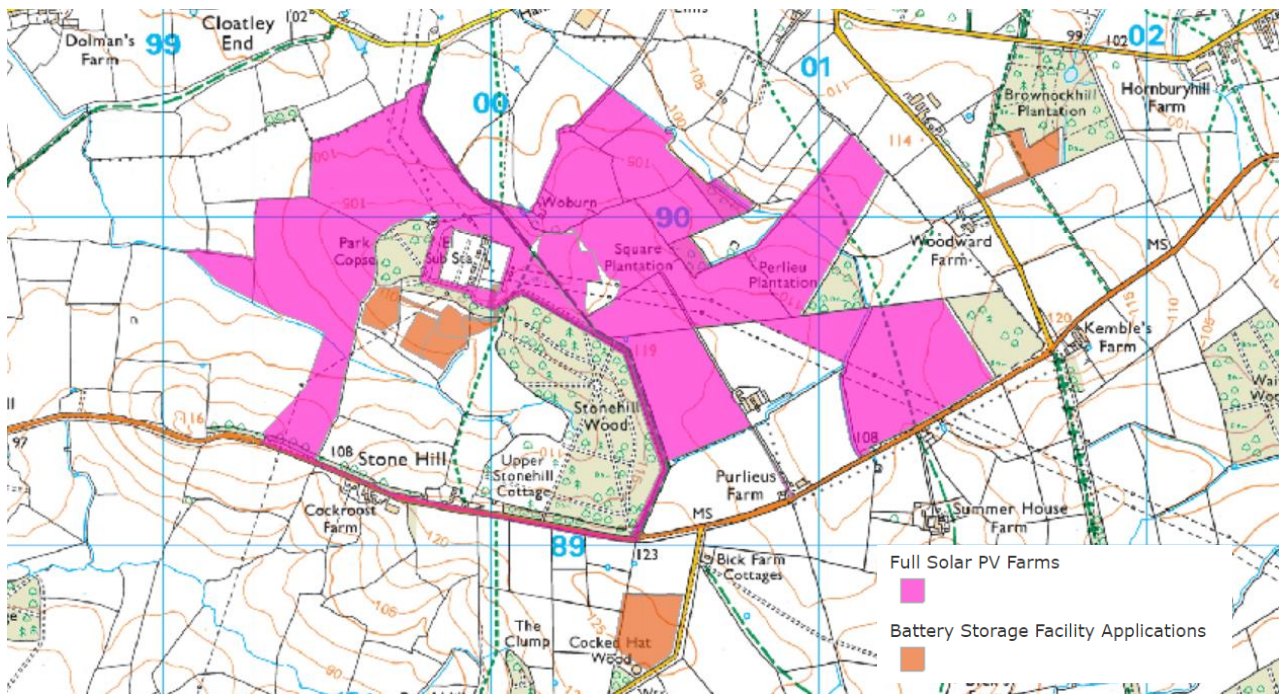


## Site Location Plan

### 4. Relevant Planning History

The Minety Substation has been the subject of previous planning applications and there are current applications before the Council that are linked to the site. These are all material to the assessment of the proposed development in particular when considering the principle of the development and the consideration of the cumulative impacts. The ones adjacent and within the immediate vicinity of the Minety substation are listed, and shown on a map, below. The list includes permitted schemes, some of which have been implemented and others replaced by subsequent permissions, and applications currently before the Council and Planning Inspectorate to be determined:-

- Planning Application 20/03528/FUL - Installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery-based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure - Approved with Conditions 20/08/2021 (*north / east and west of the substation*)
- Planning Application PL/2023/03501 - Variation of condition 3, 4, 5, 6, 7, 11 & 20 of 20/03528/FUL - To allow modifications to the approved layout, increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters, alterations to location of vehicular access – Under Consideration



- Planning Application 17/03936/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 20/07/2017 (*north of the substation*)
- Planning Application 17/03941/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 19/07/2017 (*north of the substation*)
- Planning Application 17/05526/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV, landscaping and substation - Land adjacent to electricity sub station - Approved with Conditions 21/09/2017 (*south of the substation*)
- Planning Application 18/04718/FUL - Energy Storage System, Comprising Battery Storage Containers, Ancillary Buildings, Security Fencing, CCTV and Landscaping - Land Adjacent to Electricity Sub Station - Approved with Conditions 19/07/2018 (*south of the substation*)
- Planning Application 19/11460/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV and landscaping - Approved with Conditions 06/02/2020 (*north-east of the substation*)
- Planning Application 20/07390/FUL - Installation of a battery storage facility and ancillary development on land adjacent to National Grid's Minety Substation - National Grid Minety Substation Approved with Conditions 25/01/2001 (*east of the substation*)
- Planning Application PL/2021/09101 - Variation of conditions 2 and 10 for application 17/03941/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 28/06/2022
- Planning Application PL/2021/04151 - Construction of a 2 hour duration containerised Battery Storage Facility with the ability to store and export up to 49.99 MW of electricity. The development will comprise 58 single storey steel cabins, known as E - Houses which are 12m long, 2.4m wide and 2.9m high, which house banks of lithium-ion batteries. 12 MV Blocks, also known as the transformers and control gear sit alongside E - Houses. The compound is protected with a 2.5 m high steel mesh fence. The proposed development would replace the approved Minety North substation (Minety North, 17/03936/FUL) – Approved with Conditions 08/11/2021 (*north-east of the substation*)
- Planning Application PL/2022/05504 - Installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements - Land at Stonehill, Minety, Wiltshire, SN16 9DX – Under Consideration
- Planning Application PL/2022/05412 - Proposed Development is for a battery storage facility and ancillary infrastructure Revision of PL/2022/00404 - Land off Dog Trap Lane, Minety (PL/2022/00404 was withdrawn) – Under Consideration
- Planning Application PL/2022/00664 - Proposed Development is for a battery storage facility. The use of the site would change from agricultural to energy infrastructure - Land off Pond Lane, Minety – Under Consideration via Appeal ref APP/Y3940/W/23/3319392



## 5. The Proposal

The application is submitted by National Grid (National Grid Electricity Transmission plc) who owns the high voltage electricity transmission system in England and Wales and operates the electricity transmission system across Great Britain. The company is responsible for operating the high voltage electricity network, carrying power between power stations and the local electricity supply networks of the Distribution Network Operators (DNOs).

This application seeks full planning permission for the extension of National Grid's existing Minety substation to include the installation of four transformers (SGTs) and associated works. The proposals would upgrade the existing substation to connect additional power generation as well as meeting increasing demands on the existing network.

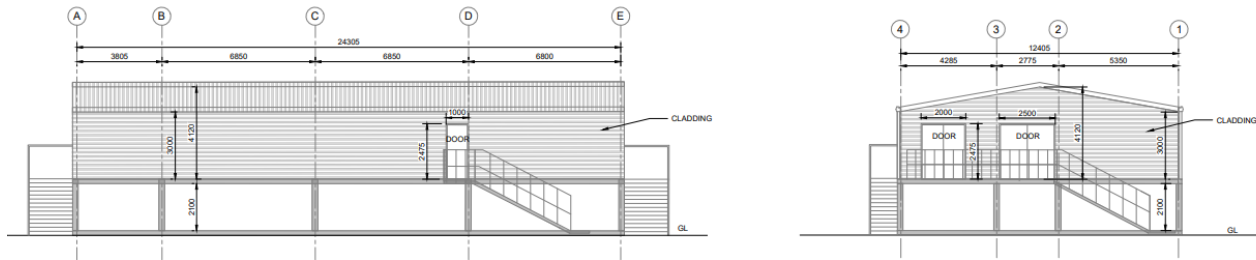
The proposed development is required to ensure the security and quality of future energy supply. It is advised that the alternative would be the construction of a new substation site, which would require significant infrastructure and carry considerable cost. An extension to the existing substation, as proposed, is the most efficient and economical solution for end consumers, and has the least environmental impact.

The works can be summarised as follows:-

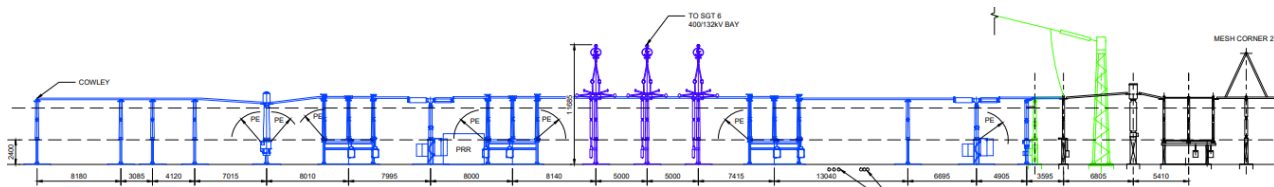
- Installation of one 400/132kV transformer on land to the north of the existing substation
- Installation of three 400/33kV transformers on land to the west of the existing substation
- Installation of busbars, circuit breakers, disconnectors and switches
- Erection of 33kV switch room and retaining wall
- Formation of access road
- Culverting of watercourse
- Erection of fencing and associated works



## Proposed Site Plan



## Proposed Elevations – Switchgear Building



## Proposed Section Plan – Proposed Infrastructure

The application explains that “National Grid has a statutory duty to offer a customer a connection and to be economic and efficient in developing and operating the transmission system whilst also having regard to the preservation of amenity when developing the network. In developing the scheme at Minety, National Grid has sought to balance these requirements and meet its statutory duties.

The works are required to facilitate connection of 450MVA of battery / solar generation, achieve greater reliability of the existing substation to enable the increase in embedded generation within the local Distribution Network Operator (DNO) and 240MVA of additional capacity for the DNO to enable meet increased energy demand in the wider region. All of these aspects will enable the decarbonisation of the electricity supply network”.

The application is supported by the following plans and documents: -

- Document. Planning, Design & Access Statement (November 2022) by National Grid
- Drawing. Location Plan PDD-101488-LAY-300 Rev 5
- Drawing. Proposed Layout Plan PDD-101488-LAY-302 Rev 5
- Drawing. Proposed Sections PDD-101488-ELE-303 Rev 3 Sheet 1 of 2
- Drawing. Proposed Sections PDD-101488-ELE-303 Rev 3 Sheet 2 of 2
- Drawing. Proposed Switchgear Room Plan and Elevation PDD-101488-ELE-304
- Document. Ecological Appraisal (ref. 9236.003)
- Document. Dormouse Survey Report (ref. 9236.004)
- Document. Biodiversity Net Gain and Condition Assessment (ref. 9236)
- Document. Flood Risk Assessment (ref. PDD-100598-101391-101488-REP-004)
- Document. Geotechnical and Geoenvironmental Desk Study (ref. PDD- 100598-101391-101488-REP-001)
- Document. Noise Impact Assessment (ref. EEN/485/NOTE202)
- Document. Construction Traffic Management Plan (ref. PDD-101488-REP-007)

- Document. Abnormal Loads Report (ref. 22-1089)
- Document. Heritage Desk Based Assessment
- Document. Arboricultural Impact Assessment

The application was updated on the 11<sup>th</sup> July 2023 through the submission of the following:

- Drawing. Location Plan PDD-101488-LAY-300 Rev 9
- Drawing. Ancient Woodland Buffer Zone Layout PDD-101488-LAY-315-REV-0
- Document. Construction Traffic Management Plan (Rev.4 / May 2023)
- Document. Highways Technical Note
- Document. Ecology Assessment – Addendum (June 2023) by The Environment Partnership
- Document. Dormouse Habitat Creation Strategy (July 2023) by the Environment Partnership
- Document. Biodiversity Net Gain (BNG) Report (July 2023) by the Environment Partnership
- Document. Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate

## 6. Planning Policy

### National Planning Policy Framework (NPPF)

**Wiltshire Core Strategy** 2006 – 2026, with particular regard to:

- Core Policy 3 Infrastructure Requirements
- Core Policy 42 Standalone Renewable Energy Installations
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development
- Core Policy 62 Development impacts on the transport network
- Core Policy 67 Flood Risk;

### North Wiltshire Local Plan 2011 (Saved Policies)

- Policy NE12 Woodland (saved North Wiltshire Local Plan policy);
- Policy NE14 Trees and the control of new development (saved North Wiltshire Local Plan policy);
- Policy NE18 Noise and pollution (saved North Wiltshire Local Plan policy).

**Planning Practice Guidance** for Renewable and Low Carbon Energy (published 18 June 2015 / updated 14 August 2023).

*National Policy Statements for Energy Infrastructure (sets out the government’s policy for delivery of major energy infrastructure).*

## 7. Consultations

The application has been subject to two formal periods of consultation and publicity; the latter period due to the receipt of amended plans, drawings and documents. The most recent response from each consultee is summarised below:

**Charlton Parish Council** – No objection

**Hankerton Parish Council** – No objection

**Cricklade Town Council** – objection; *“Cricklade Town Council is extremely concerned regarding the amount of additional Heavy Goods Vehicle traffic that will be generated by this project. Cricklade High Street is already overburdened by the amount of HGV traffic originating from other sources, and the anticipated additional traffic flow is well beyond the capacity of the roads through Cricklade town centre. Residents already suffer from an unacceptable level of noise, vibration and risk to pedestrians, and it is unreasonable to ask the town of Cricklade to endure the additional traffic levels that have been suggested.*

*We note that the additional construction traffic has been discussed with regard to routing and the report identifies predefined routes. Four points of entry have been identified. We are pleased to see that three of the routes avoid Cricklade, but we are concerned that the A419 access (Route 2), passes through the centre of Cricklade and is likely to add significantly to the noise, vibration and pedestrian safety concerns that already exist. It is noted that the routes identified are the most direct routes which are deemed suitable for HGV traffic, but we note also that the primary considerations in selecting these routes include a requirement to avoid settlements and any other sensitive receptors to reduce congestion and minimise effects in cities, towns, and villages. This is clearly not the case in the consideration of traffic from the A419 using Route 2. We consider this route to be unnecessary as traffic using the A419 in either direction could exit at the Spine Road Junction following Route 1.*

*We ask therefore, that should this application be approved, a condition be imposed on the applicant that heavy traffic servicing this project is prohibited from using the A419 Route 2, and is Only to use Route 1”.*

**Natural England** – Originally replied requesting further information to determine the significance of the impact on dormice and drew attention to its published Standing Advice on protected species (letter dated 03 February 2023). No further observations following the submission of further ecological surveys and reports, which included a Dormouse Mitigation/Habitat Creation Strategy.

**Wiltshire Fire and Rescue Service** – No observations

**Council Archaeology** – No objection.

**Council Highways Department** – No objection following the submission of further information, subject to informative to protect the Public Right of Way during the construction period.

**Council Ecologist** – Objection because the development will result in significant harm to biodiversity, and does not include sufficient mitigation or compensation to ensure no net loss of biodiversity.

**Council Landscape Officer** – Objection due to the loss of a significant number of trees and impact on landscape character.

**Council Arboricultural Officer** – No observations

**Council Drainage Officer** – No objection subject to a condition to secure a full and final surface water drainage scheme.



**Council Rights of Way Officer** – No observations

**Council Public Protection Officer** – No objection subject to conditions in relation to noise pollution and land contamination to ensure no adverse impact result from the proposed development.

## **8. Publicity**

As a result of publicity, representations have been received from two people raising concerns with the impact of construction traffic:

- There is concern about the number of HGV movement identified in the "Construction Traffic Management Plan".
- There is concern about the routes suggested; in particular the route labelled as "A419 (Route 2)". This route would take the HGVs through the middle of Cricklade - a most unsuitable route for HGVs.
- The traffic management measures will need to be properly applied and enforced - and there are effective means to address any infringements or shortfalls in their application.
- Consideration should also be given to further measures to alleviate the affect and consequences of the large number of vehicle movements.

The residents acknowledge the need and justification for the proposed development and recognise that Wiltshire Council is under pressure from central government to consider applications for solar arrays and BESS units to further its chimeric and uncostered ambition for net zero. It is however questioned whether the additional transformer capacity proposed by National Grid (NG) is solely to cater for the adjacent solar array and BESS units or are more planned in the area to be connected subsequently to the (enlarged) Upper Stonehill substation, whether additional supporting infrastructure would be required and connections to offsite infrastructure, and whether Wiltshire Council has a strategic plan for development associated with energy generation on storage.

## **9. Planning Considerations**

### **a) Environmental Impact Assessment**

The Planning, Design and Access Statement by National Grid outlines that "National Grid projects do not require Section 36 consent under the Electricity Act 1989 and the proposed installation does not produce electricity. It is not considered that the proposed development falls within any of the specific descriptions set out in Schedule 1 or Schedule 2 of the Town and Country (Environmental Impact Assessment) Regulations 2017" (par 2.1.2).

The definition of 'Schedule 2 development' does however include 'Energy Infrastructure'. While it is recognised section 3(a) applies to "Industrial installations for the production of electricity, steam and hot water" the proposed development is clearly linked to the management and distribution of electricity. The application clarifies that "National Grid is responsible for operating the high voltage electricity network, carrying power between power stations and the local electricity supply networks of the Distribution Network Operators (DNOs). At substations, this primary transmission voltage of 400kV or 275kV and is transformed-down to lower voltages to supply both the DNOs who take supplies and distribute electricity at lower voltages to factories, offices and homes" (par 2.1.2).

The proposed development has therefore been considered against the selection criteria for screening Schedule 2 development set out at Schedule 3 of the Regulations i.e. characteristics of development, location of development, and type and characteristics of potential impact. It is

concluded that while there would be unavoidable environmental impacts associated with the development as outlined within this report, it is considered that that the effects of the proposal, alone and in combination with other existing, planned and permitted developments within the area, will not be so significant as to warrant an Environmental Impact Assessment (EIA). The proposed development is therefore not EIA development but all key issues are considered in turn below.

## **b) Whether the proposal is acceptable in principle**

The Department for Energy Security & Net Zero highlights within its National Policy Statement for Electricity Networks Infrastructure that the security and reliability of the UK's current and future energy supply is highly dependent on having an electricity network which will enable the new electricity generation, storage, and interconnection infrastructure that our country needs to meet the rapid increase in electricity demand required to transition to net zero, while maintaining energy security (par 1.1.1).

The NPPF advises that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (par 157).

The proposed development is required to ensure the security and quality of future energy supply within the area and directly responds to meeting a local need and contributes towards the Government's objective to strengthen the electricity network and help transition to net zero. The planning application explains that National Grid has identified the need to extend the existing operational Minety 400kV Substation for a combination of the following reasons:

- Demand growth on the SSE network.
- Connection of embedded generation to SSE network;
- Connection of generation to National Grid network;

National Grid provided further information regarding the need for the proposed development during the application process advising that it is aware of nine customers connecting directly into the expanded Minety 400kV substation. It is possible that other developments are connecting via the local Distribution Network Operator (DNO). The DNO apply to National Grid for additional capacity which enables an assessment of available and required capacity. National Grid advises that at Minety, this assessment has generated the need for a further SuperGrid Transformer which forms part of this application. Other than the nine customers connecting directly to National Grid whose grid capacity is dependent upon this application, National Grid cannot comment on other planning applications and whether they have secured grid capacity as this would be via the DNO.

There is a clear need for the proposed development based on the strategic overview provided by National Grid who also advises that extending the existing substation is the most efficient, economical and environmentally friendly option (the alternative would be the construction of a new substation site). While the development is therefore considered acceptable in principle, the following sections consider the site specific impacts of the proposed development and impacts on the wider environment to determine its acceptability.

## **c) Whether the proposal would result in the loss of agricultural land**

The NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by "...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" (paragraph 180). The application site relates to area of land in and around the existing substation compound which includes large areas of woodland. The development will not however result in the loss of agricultural land.

**d) Whether the proposal would result in the loss of trees and ancient woodland**

**e) Whether the proposal would be harmful in terms of its landscape and visual impact**

Core Policy 51 'Landscape' of the WCS outlines that new 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. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.

Core Policies 51, 52 'Green Infrastructure' and 57 'Design' (i & ii) of the WCS also require development proposals to conserve and enhance natural features including trees, hedges and woodland. Saved Policy NE12 of the North Wiltshire Local Plan supports the creation, conservation, enhancement and positive management of woodland. It also seeks to protect areas of ancient and semi-natural woodland. Saved Policy NE14 of the North Wiltshire Local Plan seeks to prevent the loss of trees, hedges and other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

The application site includes a large area of woodland and therefore the application is supported by an Arboricultural Impact Assessment Report (December 2022) by AECOM, which includes a Tree Protection Plan and an Outline Arboricultural Method Statement. The report states that the proposed development would require the removal of forty-two individual trees, five groups, two woodland groups, part of four woodland groups and one unsurveyed tree group. No trees within the ancient woodland boundary are to be removed or significantly impacted however tree clearance is unavoidable within the minimum 15m buffer to the woodland. A new access route will be installed within the ancient woodland buffer zone but outside of the ancient woodland itself. It is stated that this impact is unavoidable due to site constraints but will be achieved without excavation or compaction with the use of a 3D cellular confinement system installed using no dig techniques.

The Council's Landscape Officer highlights that the location of Minety Substation is sensitive to industrial expansion in landscape and visual terms, especially to the southwest and northeast site corners. Hundreds of native broadleaf trees, which provide valuable woodland habitat, green infrastructure connections, buffers to adjoining semi natural ancient woodland and SSSI's and which also help provide a dense characteristic and effective screening function from countryside to the existing sub-station facility at this visually sensitive elevated hilltop location would be lost and/or physically and functionally reduced. The Officer is of the opinion that proposed development has not been sensitively located or designed; "In summary there are still a number of unknown issues for the proposed extension into the existing agricultural land to the northeast of the site, including proposed levels, unknown impacts on trees, and no explanation why the applicant feels it is unnecessary to provide any landscaping proposals fronting open field areas for this permanent industrial extension at this elevated countryside location".

The Landscape Officer recommends that "a proper joined up mitigating and enhancing landscape scheme should improve and repair the declining rural character of this area of countryside,

demonstrate green infrastructure links are maintained and enhanced as a minimum requirement for this harmful expansion of electricity transmission infrastructure linked to adjoining renewable energy generation and storage/release schemes (as they are all inextricably linked and connected). Any such scheme should ensure the wooded hilltop skyline character is retained and that views to new and existing industrialising features are minimised as far as possible from surrounding countryside and provide effective landscaping to reinstate removed and weakened Green Infrastructure links and connections”.

National Grid issued a response to the Landscape Officer’s consultation response which provides further justification for the need for the development and site selection process. It was also highlighted that National Grid will not remove trees unless absolutely necessary and will aim to retain any trees possible. It was also mentioned that the updated substation layout plan submitted shows the southern equipment has been moved slightly north to allow retention of trees to the south boundary. These southern trees will maintain screening and a habitat corridor.

It is evident that the proposed development will result in the loss of a significant amount of trees to accommodate the development, although there will be no direct impacts on the ancient woodlands to the east and west of the site as shown on the drawing below.



Ancient Woodland Buffer Zone Layout (Drawing. PDD-101488-LAY-315-REV-0)

The proposed extension to the substation will result in the overall substation becoming more prominent within the landscape, in particular from the north due to the loss of tree cover and the encroachment of the substation infrastructure into the countryside. National Grid is unable to deliver any mitigation or enhancement measures on site in the form of replacement tree planting or a landscape scheme to help soften and screen the impact of the development due to restricted land within their ownership.

The visual impact of the proposed development must be considered alongside the impact of other energy related developments within the area, in particular those surrounding the substation. A Battery Energy Storage System has been installed to the south-west side of the substation and another one on the north-east side. These are not individually prominent within the landscape but add to the overall mass of industrial/infrastructure development in the area, which would be further compounded if the permitted photovoltaic solar arrays development surrounding the substation is implemented. The development currently proposed would be seen amongst these developments and would be well integrated with the existing substation, it is therefore considered that the proposed development would not result in any particularly adverse cumulative visual effects above the existing baseline position.

It is clear that the proposed development will conflict with the certain objectives of Core Policies 51, 52 and 57 of the WCS and Policies NE12 and NE14 of the North Wiltshire Local Plan due to the loss of tree and impact on the proposal on landscape character and visual amenity. The conflict with the development plan will need to be considered within the overall planning balance, and should permission be granted the impact should be mitigated and reduced as much as possible through conditions to secure a full and final Arboricultural Method Statement, details of groundworks, and the proposed slab level of the proposed buildings and infrastructure.

**f) Whether the scheme would give rise to an adverse impact on residential amenity**

The NPPF advises that the planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability (par 180). This aim is also reflected within Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS seeks to secure a high standard of design in all new development with one key element being the need for consideration be given to the compatibility with adjoining land uses and the impact on the amenities of existing occupants as a result of noise or air pollution etc.

The site lies within the countryside with no nearby neighbouring properties, however due to the nature of the proposed development the application is supported by various technical documents to consider relevant impacts on the surrounding environment. The documents have been reviewed by the Council's Public Protection Officer who confirms that the Noise Impact Assessment (October 2022) is detailed and predicts under worst case operating scenarios that the Rating Level will be +2dB at residential property allowing for the reported tonality of the transformers. The night time background levels in the area are very low reflecting the rural location not significantly affected by traffic noise etc. This falls within the No Observed Adverse Effect Level range and therefore is acceptable without further mitigation. The addition of these noise sources will result in a creeping background in what is a very quiet area. As the predictions are dependent on the modelling, a post installation validation report is recommended to validate the model and installed plant, which will be secured via condition.

It is recognised that there may be some disturbance created during the construction phase, however the Council's Public Protection Officer confirms that the site is remote enough that impacts due to noise and dust from its construction is unlikely to significantly impact on local residents. The Construction Traffic Management Plan relates to mainly highway issues and states hours which are acceptable. It was also confirmed that the Public Protection department has no recorded complaints from earlier phases.

On this basis, it is considered that the proposed development will not conflict with the relevant policies of the plan, including Core Policy 57 of the WCS, or with relevant provisions of the NPPF.

**g) Whether the proposal would have an adverse impact upon highway safety or public rights of way**

The NPPF advises that transport issues should be considered from the earliest stages of plan-making and development proposals but ultimately it advises 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 (par 115). Core Policy 62 'Development Impacts on the Transport Network' however advises that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The proposed development does not propose to alter the existing access with the public highway, however due to the volume of traffic associated with the construction phase the application is supported by a Construction Traffic Management Plan (Rev.4 / May 2023). A Highways Technical Note was submitted during the assessment of the application to address comments made by the Highway Authority. The documents consider the site access arrangements, construction traffic flows and routes etc.

It is recognised that the route of construction traffic (Route 2 through Cricklade) is a concern to the local community which is understood. The routes have however been discussed and agreed with the Highway Authority to ensure the most appropriate routes for the number and type of vehicular movements, while also considering the layout and type of local roads, are utilised. The Highway Authority confirms that "construction traffic has been discussed with regard to routing and the report identifies pre-defined routes, there are 4 points of entry identified onto the B4040, from the north utilising the A419 exit through Cricklade, to the east from the A419, from the southeast on the M4 at Junction 16, through the A3102 and the B4696 and to the southwest from the M4 junction 17 on the A429. The routes identified are the most direct routes which are deemed suitable for HGV traffic".

The construction is split into 3 phases as follows:

- Phase 1 (vegetation removal) - 13-week construction period
- Phase 2 (Grid Park and Circuit Breaker Replacement) - 113-week construction period
- Phase 3 (Substation Extension for SGT) – 82-week construction period

The Highway Authority confirms that "the traffic generation of the site has been calculated and clarified satisfactorily, the number of movements whilst proportionately high in terms of two-way HGV movements are still considered to be of a temporary nature and therefore not significant or severe enough to represent a highways refusal, considering that the main access roads are deemed suitable for the type of vehicle and larger temporary volumes of traffic".

In light of the above, it is considered that the proposal would not have an unacceptable impact on highway safety or public rights of way and that it would accord with Core Policy 62 of the WCS.

**h) Whether the scheme would cause harm to protected species and/or their habitats**

Core Policy 50 of the WCS requires all development proposals to incorporate appropriate measures to avoid and reduce disturbance to sensitive wildlife species and habitats throughout the lifetime of the development. Major development is also required to include measures that will deliver biodiversity gains.

Natural England originally replied requesting further information to determine the significance of the impact on dormice but provided no final observations following the submission of further ecological surveys and reports, which included a Dormouse Mitigation/Habitat Creation Strategy.

The Council's Ecologist objects to the development in principle commenting that "although an Ecological Assessment has been submitted in support of this application it contains insufficient information to determine potential impacts on protected sites, habitats of conservation concern and protected/ notable species, including but not exclusively:

- Cloatley Farm SSSI (direct loss and notable invertebrate species)
- Emmett Hill Meadows SSSI (invertebrate interest)
- Stonehill Wood LWS (deterioration of habitat, severance of working connections etc)
- Park Copse – Charlton LWS (loss and deterioration of habitat, severance of working connections etc.)
- Ancient woodland (loss and deterioration of habitat, severance of working connections etc.)
- Priority habitats woodland and grassland (loss and deterioration of habitat).
- Dormice (harm, loss of habitat, loss of dispersal corridors).
- Bats (roosting and foraging, loss of dispersal corridors).
- Reptiles (harm, loss of habitat, loss of dispersal corridors).
- Birds.
- Invertebrates (harm, loss of habitat, loss of dispersal corridors).
- Bryophytes.

The application was updated following the above consultation response through the submission of a Ecology Assessment – Addendum (June 2023) by The Environment Partnership, Dormouse Habitat Creation Strategy (July 2023) by the Environment Partnership, Biodiversity Net Gain (BNG) Report (July 2023) by the Environment Partnership, , Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate, an Extended Phase 1 Habitat survey, and further surveys to assess bat roosting suitability included within the updated EA addendum.

The Council's Ecologist welcomes the additional surveys and updates to the application, however there remains an objection to the proposed development unless the significant losses resulting from the current scheme are compensated for. The Ecologist acknowledges that the current development offers some mitigation and compensation measures however it is advised that "these are wholly inadequate and significant adverse impacts will still arise from the development. A compensation strategy that demonstrates no net loss of the local biodiversity resource and secures the integrity of local ecological networks would be required to achieve this".

It was highlighted that both local and national policy requires that only where it has been demonstrated that such anticipated impacts have been mitigated as far as possible and as a last resort compensatory measures provided would such a development be acceptable in ecology terms. National Grid's position is that everything has been done to reduce the ecological impacts associated with the proposed development through the design of the proposal and the mitigation measures proposed. The submitted Biodiversity Net Gain (BNG) Report (July 2023) by the Environment Partnership quantifies the change in biodiversity units for the planning application area between the pre-development baseline and post-development retained, enhanced, and created habitats. It confirms that there will still be an overall area-based unit net loss of -3.87 Biodiversity Units (-17.89%) which cannot be compensated for. The BNG Report advises that National Grid are committed to attaining a 10% net gain on all development but in order to achieve this an additional 6.04 Biodiversity Units will be required.

In terms of the requirement to secure 10% Biodiversity Net Gain (BNG), it will soon [anticipated early 2024] become mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) for 'major schemes' and April 2024 for 'small sites'. The 10% requirement will not become mandated across England until statutory

instruments and regulations have been agreed and the Town and Country Planning Act 1990 has been amended. However, in line with the requirements of the NPPF and Core Policy 50 'Biodiversity' of the WCS the Council's Ecologist advises that the Council expects all major applications, such as this one the subject of this application, to deliver a minimum of 10% BNG. However, no net loss of functional habitat on-site must be demonstrated before considering the amount of BNG that should be secured.

It is evidence that the proposed development will result in a net loss of functional habitat on site as a result of the development albeit National Grid has designed and revised the scheme, and mitigated the ecological impacts as best as possible within the constraints of the application site. However, the proposed development will result in harm to biodiversity and therefore falls short of the requirements of Core Policy 50 of the WCS. The level of harm will have to be assessed within the overall planning balance against the need for the development and should it be determined that planning permission be granted all recommendations, mitigation and enhancement measures detailed within the submitted ecological reports will need to be secured via condition, along with the need for a Construction Environmental Management Plan (CEMP), and a restriction on external lighting. It is recognised that National Grid has its own duty to deliver 10% BNG on all of its development projects.

**i) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets**

Core Policies 57(i & iv) and 58 of the WCS deal with conservation of the historic environment. The supporting text states that heritage assets include listed buildings, conservation areas, scheduled ancient monuments, registered parks and gardens, registered battlefields, world heritage sites, and non-designated heritage assets such as buildings and archaeological sites of regional and local interest (paragraph 6.136). The policy seeks to ensure that developments protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings are to be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The application is supported by a Heritage Desk-Based Assessment (December 2022) by AECOM which considers the potential impact of the proposed development on the 11 heritage assets were recorded within the 1km study, including two listed buildings; Cloatley End Farm (1022246) is located approximately 800m north-west of the site and the Milestone at NGR SU 00652 89063 (1284939) is located approximately 910m south-east of the Site.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to 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. The Heritage Desk Based Assessment concludes that there would be no change to the setting of the listed buildings, due to their distance and lack of intervisibility with the site. There would be no physical impacts to any of the non-designated heritage assets.

There is also limited potential for previously unrecorded archaeology to be recorded within the site due to the previous ground disturbance of the existing substation and the results of the previous archaeological surveys carried out in the land adjacent to the site. The County Archaeologist is satisfied that the archaeological potential of the application area has been sufficiently characterised and that no further archaeological mitigation is necessary. Therefore, the proposed development accords with Core Policies 57 & 58 of the WCS.

**j) Whether the development would result in any other adverse environmental impacts**



Core Policy 67 'Flood Risk' of the WCS requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to the soil and ground (sustainable drainage system) unless site or environmental conditions make these measures unsuitable. The application is supported a Flood Risk Assessment & Drainage Strategy (September 2022) by Atkins which confirms that the site is wholly within Flood Zone 1 so the risk of flooding is low, and presents a surface water drainage scheme.

The Lead Local Flood Authority has provided the following observations on the information presented within the report – "It is noted that as part of the development the applicant intends to limit all discharge from the site (for flows up to an including the 1 in 100yr + climate change event) to 1.0l/s. It is acknowledged through conversation with Hydro International that this represents the lowest practicable level of restriction in order to prevent an increased blockage risk, and that a value of 1.0l/s represents a worst-case scenario (as bunds have been assumed to be 100% impermeable). It is noted that the nature of the development means that the proposals (when considering the proposed mitigations) will result in minimal impact to surrounding land / receptors.

It is noted, at this stage that outline source-control calculations have been provided to inform sizing of attenuation features.

It is noted that the drainage will remain private and in the ownership of National Grid.

It is noted that as part of the development, the applicant intends to culvert the existing watercourse, and that the culvert has been preliminarily sized to ensure that flows through the culvert can be maintained without detriment, when considering a 50% blockage".

The Lead Local Flood Authority has no objection to the development subject to the submission of a full and final surface water drainage scheme which will be secured via condition.

Core Policy 56 'Contaminated Land' of the WCS advises that development proposals which are likely to be on or adjacent to land which may have been subject to contamination will need to demonstrate that measures can be taken to effectively mitigate the impacts of land contamination on public health, environmental quality, the built environment and amenity. The application is supported by a Geotechnical & Geo-Environmental Desk Study (November 2022) by Atkins. The Council's Public Protection Officer confirms that the report indicates the possibility of historic contamination from the existing development and proposes further site investigation. The risk is confined to the site users and therefore a condition is recommended which requires a scheme to deal with contaminations that may be identified or encountered at any time when carrying out the approved development.

## **10. Conclusion**

The application is submitted by National Grid (National Grid Electricity Transmission plc) who seek full planning permission to extend their existing substation at Minety through the installation of four super-grid transformers and associated works.

National Grid has a statutory duty to offer a customer a connection and to be economic and efficient in developing and operating the transmission system whilst also having regard to the preservation of amenity when developing the network. It is advised that in developing the scheme at Minety, National Grid has sought to balance these requirements and meet its statutory duties.

The works are required to facilitate connection of 450MVA of battery / solar generation, achieve greater reliability of the existing substation to enable the increase in embedded generation within

the local Distribution Network Operator (DNO) and 240MVA of additional capacity for the DNO to enable meet increased energy demand in the wider region. All of these aspects will enable the decarbonisation of the electricity supply network.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (NPPF, par 2). For the purpose of determining this application, the development plan comprises the Wiltshire Core Strategy (adopted January 2015) and the Saved Policies of the former North Wiltshire Local Plan (2011).

The application is supported by a range of technical reports and surveys which consider the environmental impacts of the proposed development. While the majority of impacts can be mitigated through appropriate conditions, such as securing the implementation of a Construction Traffic Management Plan, the assessment of the application finds significant harm to the natural and local environment due to the loss of trees and natural habitat thus leading to a net loss of biodiversity and localised landscape harm. The proposed development therefore conflicts with certain elements of the development plan, however when considering the benefits in terms of upgrading and reinforcing key energy infrastructure and the specific locational requirement of the development, including National Grid's policy commitment to drive a net gain (in excess of 10% where possible) in environmental value (including biodiversity) in their construction projects, it is considered that the very significant benefits of the proposal outweighs the localised harm caused by its conflict with the development plan. On balance, it is therefore recommended that planning permission be granted, subject to conditions to mitigate the impacts of the development as best as possible.

## **RECOMMENDATION**

**The recommendation is to grant planning permission subject a Unilateral Undertaking for a contribution to biodiversity mitigation and the following conditions:**

1. The development hereby permitted shall begin 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 details shown in the following approved plans:

- Drawing. Location Plan PDD-101488-LAY-300 Rev 9
- Drawing. Proposed Layout Plan PDD-101488-LAY-302 Rev 5
- Drawing. Proposed Sections PDD-101488-ELE-303 Rev 3 Sheet 1 of 2
- Drawing. Proposed Sections PDD-101488-ELE-303 Rev 3 Sheet 2 of 2
- Drawing. Proposed Switchgear Room Plan and Elevation PDD-101488-ELE-304
- Drawing. Ancient Woodland Buffer Zone Layout PDD-101488-LAY-315-REV-0

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

3. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the trees to be protected and retained, as shown on the Tree Protection Plan within the Arboricultural Impact Assessment Report (December 2022) by AECOM, have been enclosed

by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction.

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later].

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

4. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS), in accordance with the recommendations of the Arboricultural Impact Assessment Report (December 2022) by AECOM, prepared by an arboricultural consultant providing comprehensive details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during both demolition and construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for scaffolding and ground protection within tree protection zones in accordance with British Standard 5837: 2013;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the siting of the service and piping infrastructure;
- A full specification for the construction of any arboriculturally sensitive structures and sections through them, including the installation of boundary treatment works;
- Details of the works requiring arboricultural supervision to be carried out by the developer's arboricultural consultant, including details of the frequency of supervisory visits and procedure for notifying the Local Planning Authority of the findings of the supervisory visits; and
- Details of all other activities, which have implications for trees on or adjacent to the site.
- In order that trees to be retained on-site are not damaged during the construction works and to ensure that as far as possible the work is carried no demolition, site clearance or

development should commence on site until a pre-commencement site meeting has been held, attended by the developer's arboricultural consultant, the designated site foreman and a representative from the Local Planning Authority, to discuss details of the proposed work and working procedures.

- Subsequently and until the completion of all site works, site visits should be carried out in accordance with a timetable to be agreed with the Local Planning Authority by the developer's arboricultural consultant. A report detailing the results of site supervision and any necessary remedial works undertaken or required should then be submitted to the Local Planning Authority. Any approved remedial works shall subsequently be carried out under strict supervision by the arboricultural consultant following that approval.

REASON: In to secure a full and final record of the trees to be removed and in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

**5.** No demolition, site clearance, vegetation clearance, or development shall commence on site until a Site Clearance Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Clearance Management Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during any site clearance, including but not necessarily limited to, the following

- *Details of all mitigation measures and identification of ecological protection areas/buffer zones and tree root protection areas as well as details and specification of physical means of protection, e.g. temporary fencing to demarcate buffer zones*
- *Details of specific measures such as gaps in fencing to avoid causing harm to biodiversity features should also be stipulated. Measures should be illustrated on a plan.*
- *Details and timing of any update surveys required pre-commencement of works on site such as for badgers.*
- *Precautionary working method statements, including the restrictions to the timing of such works, such as sensitive vegetation clearance method in respect of birds.*
- *Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts and bats; this should comprise the pre-construction/construction related elements of strategies only.*

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction.

**6.** No development other than site clearance or vegetation clearance, shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- *Details of all mitigation measures and identification of ecological protection areas/buffer zones and tree root protection areas as well as details and specification of physical means of protection, e.g. temporary fencing to demarcate buffer zones*
- *Details of specific measures such as gaps in fencing to avoid causing harm to biodiversity features should also be stipulated. Measures should be illustrated on a plan.*

- *Details and timing of any update surveys required pre-commencement of works on site such as for badgers.*
- *Precautionary working method statements, including the restrictions to the timing of such works, such as sensitive vegetation clearance method in respect of birds.*
- *Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts and 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, and stipulation of work activities to be overseen by a licensed ecologist and/or ecological clerk of works (ECoW).*
- *Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).*
- *Schedule for compliance checks to be completed by a competent person(s), likely the ecologist/ECoW, prior to, during and post-completion of construction works.*
- *A compliance report must be provided to the local planning authority within four weeks of the end of construction and the report shall include photographic evidence.*

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction.

7. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The details shall also include details of the proposed slab and ground levels of the retaining wall, building and infrastructure hereby approved. The development shall not be first brought into use until such time as the earthworks have been carried out in accordance with the details approved under this condition.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site and consider and approve the precise scope of earthworks and infrastructure levels in the interests of visual amenity.

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

REASON: In order to protect trees on and adjacent to the site which are to be retained with surfacing placed near to or over the trees root system.

9. Notwithstanding the contents of the Flood Risk Assessment & Drainage Strategy (September 2022) by Atkins, no development shall commence on site until a full and final scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

NOTE: The Lead Local Flood Authority advises the following updates will be required to the scheme presented within the aforementioned assessment:-

- The applicant shall provide supplementary justification as to why attenuation has been proposed in tanks instead of in a natural feature such as a swale or detention basin.
- The applicant shall submit detailed calculations to demonstrate that the proposed positive drainage system:
  - a. Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + climate change rainfall event.
  - b. Calculations and drawings for the drainage system design showing attenuation features are designed to attenuate without flooding the critical 1 in 100 year rainfall event + climate change.
  - c. Hydraulic Models should set the MADD factor / additional storage volume factor to 0m<sup>3</sup> / ha in order to prevent an overestimation of storage capacity in the proposed drainage network.
- The applicant shall provide plans which demonstrate how overland exceedance flows in excess of the 1 in 100yr + climate change storm event are wholly and safely managed on site.
- The applicant shall submit details for the proposed inspection and ongoing maintenance (including activities, and frequency) of the proposed drainage system, including SuDS features and the proposed culvert.
- The applicant shall provide a Construction Phase Management Plan to clearly demonstrate how surface water will be managed throughout the construction phase in order to prevent an increase in local flood risk / local pollution risk.

10. In the event that contamination is identified or 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.

11. No external artificial lighting shall be used or installed on site until lux contour plots/lighting contour plans for all proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The plots/plans must demonstrate that bat habitat to be retained will be maintained as 'dark corridors'. Details of mitigation measures that would be implemented where necessary, to minimise light spill shall also be provided. Lighting proposals shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light' and their Guidance Note GN08-18 'Bats and artificial lighting in the UK', issued jointly with the Bat Conservation Trust.

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

REASON: To minimise light spill and to minimise potential for adverse effects on bats and other wildlife.

12. The development hereby permitted shall be carried out in accordance with approved Construction Traffic Management Plan (CTMP) (Rev.4 / May 2023), its measures shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved CTMP.

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.

13. The development hereby permitted shall be carried out in accordance with recommendations and proposed mitigations and enhancement measures detailed within the Ecological Assessment (ref. 9236.003) (August 2022), Ecology Assessment – Addendum (ref 9236.015) (June 2023), and Dormouse Habitat Creation Strategy (ref 9236.005) (July 2023) by the Environment Partnership.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

14. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted noise report and submitted to the local planning authority. Any additional steps required to achieve compliance shall be taken. The details as submitted and approved shall be implemented and thereafter be permanently retained.

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

#### INFORMATIVE

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

#### INFORMATIVE

No construction / demolition vehicle access may be taken along CHAR9, HANK15, CHAR16 without prior consultation with the Wiltshire Council Rights of Way Warden. Where appropriate any safety/mitigation/reinstatement measures must be approved by the Wiltshire Council Rights of Way Warden.

#### INFORMATIVE

No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken which obstruct or adversely affect the public right of way whilst development takes place.

#### INFORMATIVE

It is noted that as part of the development, the applicant intends to culvert the existing watercourse. As noted in the applicant's submission a Land Drainage Consent should be applied for from the LLFA.



Mr A Walker  
Development Manager Team Leader  
Wiltshire Council

Nina Garner  
Environmental and Planning Specialist  
National Grid

15 February 2024

**Planning Reference: PL/2022/09258**

SENT VIA EMAIL

Dear Mr Walker,

**RE: Biodiversity Net Gain for Full Planning Application: Proposed Works at Minety Substation, Minety, Wiltshire, SN16 9DX.**

### Project Background and Needs Case

The Minety development proposal comprises of an extension of the existing substation comprising installation of 400/132kV 240MVA SuperGrid Transformer, 3 number 400/33kV 150MVA SuperGrid Transformers, circuit breakers, construction of retaining wall and 33kV switch room, formation of access road, culverting of watercourse, erection of fencing and associated works.

National Grid has a statutory duty to offer a customer a connection and to be economic and efficient in developing and operating the transmission system whilst also having regard to the preservation of amenity when developing the network. In developing the scheme at Minety, National Grid has sought to balance these requirements and meet its statutory duties.

The works are required to;

- facilitate connection of nine customers that will provide 450MVA of battery energy storage system (BESS) and solar generation to the grid system,
- achieve greater reliability of the existing substation to enable the increase in embedded generation within the local Distribution Network Operator (DNO), Southern Electric Power Distribution plc (SEPD).
- 240MVA of additional capacity for the DNO to enable meet increased energy demand from businesses and consumers in the wider region.
- All these aspects will enable the decarbonisation of the electricity supply network.

The background "Needs Case" for the development is set out in more detail in the report attached with this letter.

### National Grid's Biodiversity Net Gain Commitments

National Grid have an internal policy, underpinned by a formal and adopted business procedure, to deliver a minimum target of 10% biodiversity net gain on all schemes. To ensure National Grid fulfil these obligations, net gain commitments and evidence (including ecological surveys, BNG reports etc.) are reported to the regulator, Ofgem.

During project development ecological surveys and a BNG assessment were undertaken in line with best practice. Following comments received from the Council's Ecologist in March 2023, National Grid commissioned additional ecological surveys and an updated BNG report which was then submitted to the Council on 11 July 2023, along with a Habitat Creation Strategy. These documents outline National Grid's approach to BNG at the existing Minety substation site.

Due to the site constraints, including existing electrical infrastructure, ancient woodland and surrounding approved planning applications, resulting in limited available land, it is not feasible to achieve no net loss or deliver 10% net gain within our own land ownership at the site. Therefore, in order to deliver our BNG commitments, we have recognised that a combination of onsite and off-site compensation would be required to achieve 10% net gain (see onsite strategy in Figure 1 below).

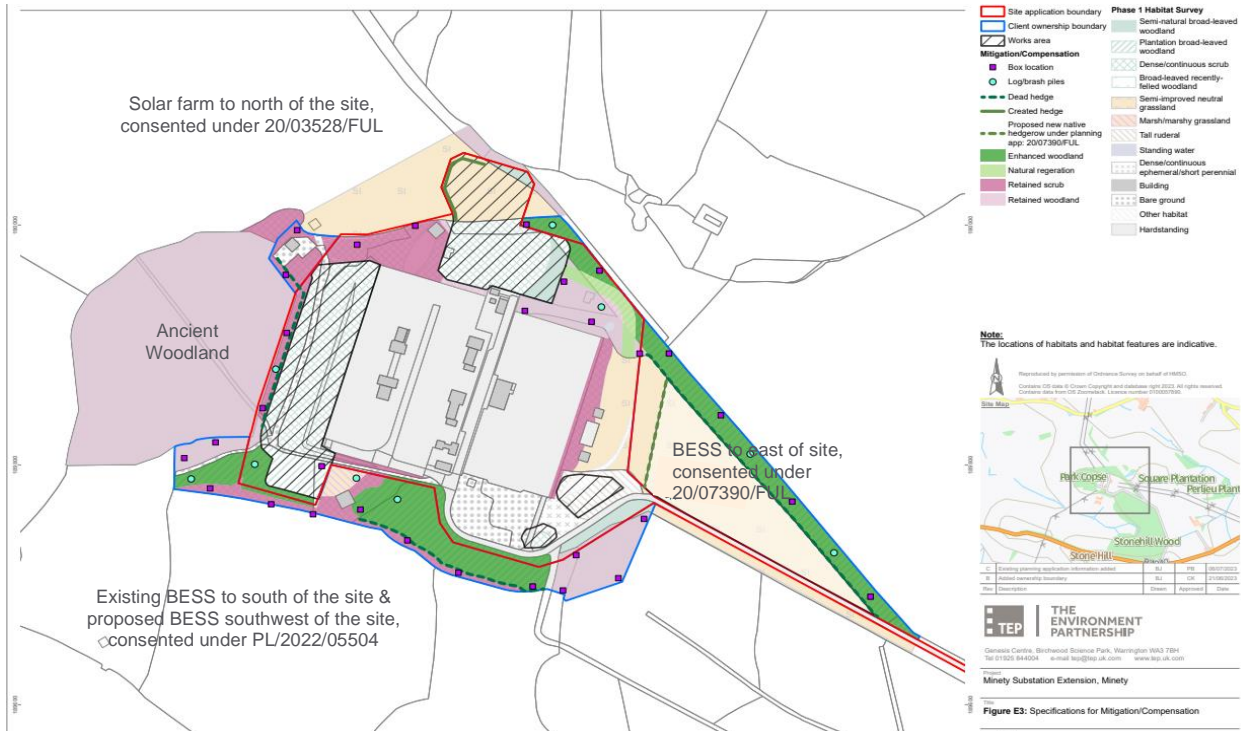


Figure 1. Onsite compensation strategy, extracted from the Habitat Creation Strategy submitted to the Council on 11 July.

Whilst we appreciate that offsite compensation is viewed as a last resort, Core Policy 50 of the Wiltshire Core Strategy does recognise that, offsite compensation “*will be necessary in some instances where other approaches cannot guarantee no net less and avoidable losses are outweighed by other sustainability considerations*”.

National Grid have explored alternative options and have had ongoing BNG discussions with local delivery partners including the Wildlife Trust, Environment Bank, Bristol Avon Catchment Market and the Council to explore options for offsite net gain, however none of these had available the type of Biodiversity Units required. See Appendix A – D for correspondence. As a result, National Grid have agreed to make a financial contribution to Wiltshire Council for securing of biodiversity net gain within Wiltshire, subject to completion of a legal agreement.

I hope the above is helpful in clarifying the position and will enable the Council to proceed to consider NGET’s application at the next committee. Should you require any further information, I am happy to arrange a call.

Yours sincerely

Nina Garner

**Environmental and Planning Specialist (Consents)**

**National Grid**

## Appendix A – Environment Bank Correspondence

**From:** [Helen Wyman](#)  
**To:** [Christopher Plester](#); [BNGSales](#)  
**Subject:** RE: [EXTERNAL] RE: BNG Unit requirements - Minety - Wiltshire  
**Date:** 27 February 2023 17:58:17

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Hi Chris

Thank you, we have just been through all our current sites in detail, and unfortunately, the site we have in that area, the units are all reserved. We are actively looking for another site; however, I don't think that will work with your timescales.

I'm sorry we cant provide you with a solution for this site. However this will become less and less as more sites come online.

Any questions, you know where I am.

Thank you

Helen

---

**From:** Plester, Chris [REDACTED]  
**Sent:** Monday, February 27, 2023 3:24 PM  
**To:** Helen Wyman [REDACTED]; [BNGSales](#)  
[REDACTED]  
**Subject:** RE: [EXTERNAL] RE: BNG Unit requirements - Minety - Wiltshire

Hi Helen

Wiltshire Council is the LPA in this area - we are considering a range of options at the moment neighbouring LPA/NCA could be considered but this would up our unit requirements quite significantly

Regards

Chris

---

**From:** Helen Wyman [REDACTED]  
**Sent:** 27 February 2023 14:49  
**To:** Plester, Chris [REDACTED]; [BNGSales](#)  
[REDACTED]  
**Subject:** [EXTERNAL] RE: BNG Unit requirements - Minety - Wiltshire

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email is malicious, please use the 'Report Phish' button.

Hi Chris

Thank you very much for your email.

Can I ask you to confirm the LPA for these units? Also if we do not have anything within the LPA, is neighbouring LPA/NCA of interest?

Thank you

Helen

---

**From:** Plester, Chris [REDACTED]  
**Sent:** Monday, February 27, 2023 12:53 PM  
**To:** BNGSales [REDACTED]  
**Cc:** Helen Wyman [REDACTED]  
**Subject:** BNG Unit requirements - Minety - Wiltshire  
**Importance:** High

Good afternoon

Following discussions with Helen regarding National Grids commitment to enhance the Natural Environment and the potential opportunities to work with the Environment bank including the provision of BNG units via your network of offset sites.

National Grid are planning a construction project at our Electricity Substation in Minety – as a result this construction activity we will be having a permanent impact on some Medium Distinctiveness woodland and scrub habitats around the substation.

There is limited space available on site to fully mitigate and deliver 10% BNG and meet our Corporate Net Gain commitments of 15% therefore are looking to identify opportunities offsite for the provision of BNG units in close proximity to our site.

Please could you advise on the potential availability of ~ 15 (Medium Distinctiveness) Biodiversity units – Ideally a mix of woodland and scrub units.

Timescales are very tight for this development so would appreciate an indication of readiness so we can put suitable arrangements in place, or seek alternatives asap

If you require further information at this time please get in touch

Many thanks

Chris

## Appendix B – Wiltshire Wildlife Trust

**From:** Lucy Bates <[REDACTED]>

**Sent:** 28 February 2023 09:27

**To:** Hales, Mike [REDACTED]

**Cc:** [REDACTED]  
[REDACTED]  
[REDACTED]

**Subject:** [EXTERNAL] RE: Minety Substation Development - Biodiversity net gain requirements

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Hi Mike.

Following your enquiry to Wiltshire Wildlife Trust concerning Biodiversity Unit sales, I can confirm that we don't have any units for direct sale from Trust projects quite yet. It could be good timing though to put you in touch with my colleagues in the Bristol Avon Catchment Market.

Over the past 18 months, the BACM has developed a pipeline of supply from nature-based projects across the catchment area, including high integrity Biodiversity Units which may be appropriate to meet regulatory planning requirements for the projects you are working on in Wiltshire. Wiltshire Wildlife Trust are one of three collaborating organisations developing this pilot platform.

You can have a read about the BACM on their [webpage here](#).

The Buyer Registration phase of the project is due to open soon, so as you still have a Biodiversity Unit requirement to discuss, please directly email [REDACTED]. More information will also be available at a buyer webinar.

I hope this is of use- do stay in touch with us directly too as future projects develop.

Best meanwhile,

**Lucy**

**Lucy Bates (MSc, MBPR (FACTS, Env. Reg.))**

**Nature Recovery Champion**  
[REDACTED]

Wiltshire Wildlife Trust | Elm Tree Court | Long Street | Devizes | Wiltshire | SN10 1NJ



---

**From:** Hales, Mike [REDACTED]  
**Sent:** 27 February 2023 17:09  
**To:** Lucy Bates [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** [EXTERNAL] Minety Substation Development - Biodiversity net gain requirements

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Lucy,

Hi,

When we last discussed the Minety Substation development, you were going to consider whether WWT would be in a position to offer some of the BNG units we require to offset our works at site. We are hopefully going to enter into agreements with other providers soon, however we would be keen to consider some local offsetting if it is available.

Please could you advise if WWT have developed their position since we last talked.

I'm happy to arrange a call to discuss if you think that would be beneficial.

Regards,

Mike Hales  
Connection Engineer  
Customer Connections  
nationalgrid

[REDACTED]

Advance notice of holidays:

## Appendix C – Bristol and Avon Catchment Market

**From:** [Amy Coulthard](#)  
**To:** [Christopher Plester](#)  
**Cc:** [Mike Hales](#); [Senior, Edward](#)  
**Subject:** [EXTERNAL] RE: URGENT: National Grid BACM - Planning Permission  
**Date:** 11 April 2023 19:10:47  
**Attachments:** [image001.png](#)

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Dear Chris

Thank you for making the time to speak with me this evening and for your time and interest in securing Biodiversity Gain Units from the Bristol Avon Catchment Market.

As we discussed this evening, EnTrade have been reviewing all the requirements for buyers interested in registering as participants in the Bristol Avon Catchment Market and it is with regret that we will be unable to meet your needs at this time.

Your Credit requirements have been reviewed by the Bristol Avon Catchment Market Board and the Minety development does not meet our Ethical Buyer requirements for the following reasons:

- The development includes a proposed loss of 0.014ha lowland deciduous woodland which is a high distinctiveness habitat. In the Arboricultural Impact Assessment Report reviewed by the Catchment Market Team, this habitat type is listed as an 'irreplaceable habitat'; in the absence of Defra's recognised irreplaceable habitat list, this must be considered as high value and of ecological importance.
- The assessment also identified that the proposals are not currently fully compliant with Wiltshire Council Policy relating to trees and woodland, for example Policy NE14 states permission will not be granted for proposals that would result, or be likely to result, in the loss of trees, hedges, lakes/ponds or other important landscape or ecological features.
- The metric calculation provided also contains an error in the Assessors comments section in reference to the loss of the Lowland Deciduous Woodland which would need clarification

The Board acknowledge that there are measures in place to avoid and mitigate damage, however there remain aspects of the Minety development that require further consideration by National Grid before the Bristol Avon Catchment Market Ethical Buyer requirements can be met. The key requirements for buyers of Biodiversity Units are:

Buyers that are in the market for biodiversity gain or nutrient mitigation credits to offset development impacts should:

- demonstrate that proposals are in an adopted or proposed Local Plan, or approved by the LPA, or pending approval subject to nutrient mitigation and biodiversity gain requirements that can be appropriately met through the Bristol Avon Catchment Market;
- demonstrate development will not result in the loss of irreplaceable habitat such

as ancient woodland;

- confirm development is not resulting in the direct loss of land designated specifically for the purposes of nature conservation e.g. Site of Special Scientific Interest (SSSI).

Should you be able to provide evidence of changes to your proposals that address these issues we would be happy to reconsider your credit needs in future Market Rounds.

Please contact me if you would like any further information.

Kind regards  
Amy



Amy Coulthard, Director of Operations

---

**From:** Plester, Chris [REDACTED]  
**Sent:** 11 April 2023 09:07  
**To:** Amy Coulthard [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** URGENT: National Grid BACM - Planning Permission  
**Importance:** High

[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognise the sender and know the content is safe.

Hi Amy

With the registration window closing later this this week , we could do with some advice and guidance around the questions raised below regarding planning permissions and payment processes.

Any insights would be appreciated

Regards

Chris

---

**From:** Plester, Chris  
**Sent:** 05 April 2023 13:49  
**To:** Amy Coulthard [REDACTED]



**Subject:** FW: National Grid BACM - Planning Permission  
**Importance:** High

Hi Amy

Are you able to advise on this question regarding planning permission?

Any help would be appreciated

Thanks

Chris

---

**From:** Plester, Chris  
**Sent:** 28 March 2023 16:08  
**To:** Amy Coulthard [REDACTED]  
**Subject:** National Grid BACM - Planning Permission  
**Importance:** High

Hi Amy

Following the Webinar earlier this week we have been reflecting on what we need to do and when to participate in the Market.

There is some concern about how the market works in parallel with our planning submission and hopefully our subsequent approval. In Nov 2022 we submitted our planning application to the LPA, and are still awaiting a determination, however this is unlikely to happen before Easter and the opening of the market etc.

If we commit to participate in the market, make a bid, and get a settlement - and then fail to get planning permission, are we then duty bound to pay in full for the habitat units agreed in the settlement?

It would be good to understand in more detail how this scenario may play out,

Any clarity would be appreciated as soon as possible

Regards

Chris

**Chris Plester** (*Pronouns: he/him*)  
Sustainability Technical Lead  
Safety, Risk & Compliance (SRC)  
nationalgrid

[REDACTED]  
[REDACTED]

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**Needs Case**

Expansion of National Grid Minety Substation

02/02/2024

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## 1. Introduction

The Minety development proposal comprises of an extension of the existing substation comprising installation of 400/132kV 240MVA SuperGrid Transformer, 3 number 400/33kV 150MVA SuperGrid Transformers, circuit breakers, construction of retaining wall and 33kV switch room, formation of access road, culverting of watercourse, erection of fencing and associated works.

National Grid (referred to as “NGET” hereafter) has a statutory duty to offer a customer a connection and to be economic and efficient in developing and operating the transmission system whilst also having regard to the preservation of amenity when developing the network. In developing the scheme at Minety, National Grid has sought to balance these requirements and meet its statutory duties.

The works are required to facilitate connection of 450MVA of battery energy storage system (BESS) / solar generation, achieve greater reliability of the existing substation to enable the increase in embedded generation within the local Distribution Network Operator (DNO) and 240MVA of additional capacity for the DNO to enable meet increased energy demand in the wider region.

This increased generation will play a key role in delivering the UK Government’s net zero ambitions and delivering up to 50GW of offshore wind connected by 2030. To facilitate these ambitions, electricity network infrastructure is needed to ensure that energy can be transported from where it is generated to where it is used.

## 2. Licence Obligations

National Grid holds the Transmission Licence for England and Wales and is thus obligated to develop and maintain an efficient, co-ordinated and economical system of electricity transmission and to facilitate competition in the generation and supply of electricity, as set out in the Electricity Act 1989 (the Electricity Act). National Grid is regulated by Ofgem, which sets price controls and monitors how the company develops and operates the network on behalf of consumers.

NGET have a regulatory obligation to provide a connection to the system for customer led projects when one is requested. Our role in the customer journey is to identify, design, develop and deliver an economic and efficient solution to facilitate access to the National Electricity Transmission System.

This is defined in Condition C8: Requirement to offer terms and D4A: Obligations in relation to offers for connection etc of the Transmission Licence ([Link to Ofgem site and Licence](#)) Standard Conditions.

As a licence holder National Grid has specific duties to uphold in relation to the desirability of preserving amenity of certain aspects of the environment and to mitigate the effects of its activities on the environment under Section 38 and Schedule 9 of the Electricity Act 1985.

National Grid is also required, under Section 38 of the Electricity Act, to comply with the provisions of Schedule 9 of the Act. Schedule 9 requires licence holders, in the formulation of proposals to transmit electricity, to preserve amenity by:

- Schedule 9(1)(a) ‘...have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest;’ and
- Schedule 9(1)(b) ‘...do what [it] reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects’

### 3. Existing site

The existing Minety substation uses air insulated switchgear (AIS) to establish a 400kV four switch mesh arrangement. This allows the connection of the four, 400kV overhead lines and the four existing 400/132kV 240MVA SuperGrid Transformers (SGT). The SGTs connect to the 132kV AIS substation which is owned and operated by Southern Electric Power Distribution plc (SEPD).

SEPD are the Distribution Network Operator (DNO) for the region and supply power from the existing SGTs into the DNO network supplying the necessary demand for commercial, industry and homes. The SEPD region is shown in Figure 1 below, with Minety providing demand connections in the northwest of this region.

The capacity provided by the existing four SGTs is fully allocated to SEPD as firm connections as defined within the Security and Quality of Supply Standard (SQSS).

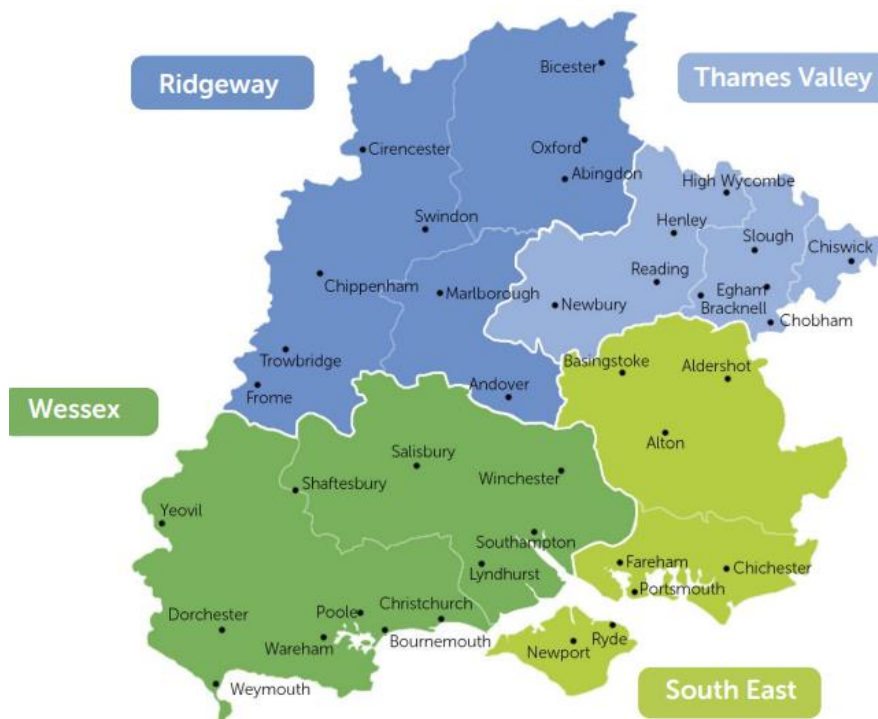


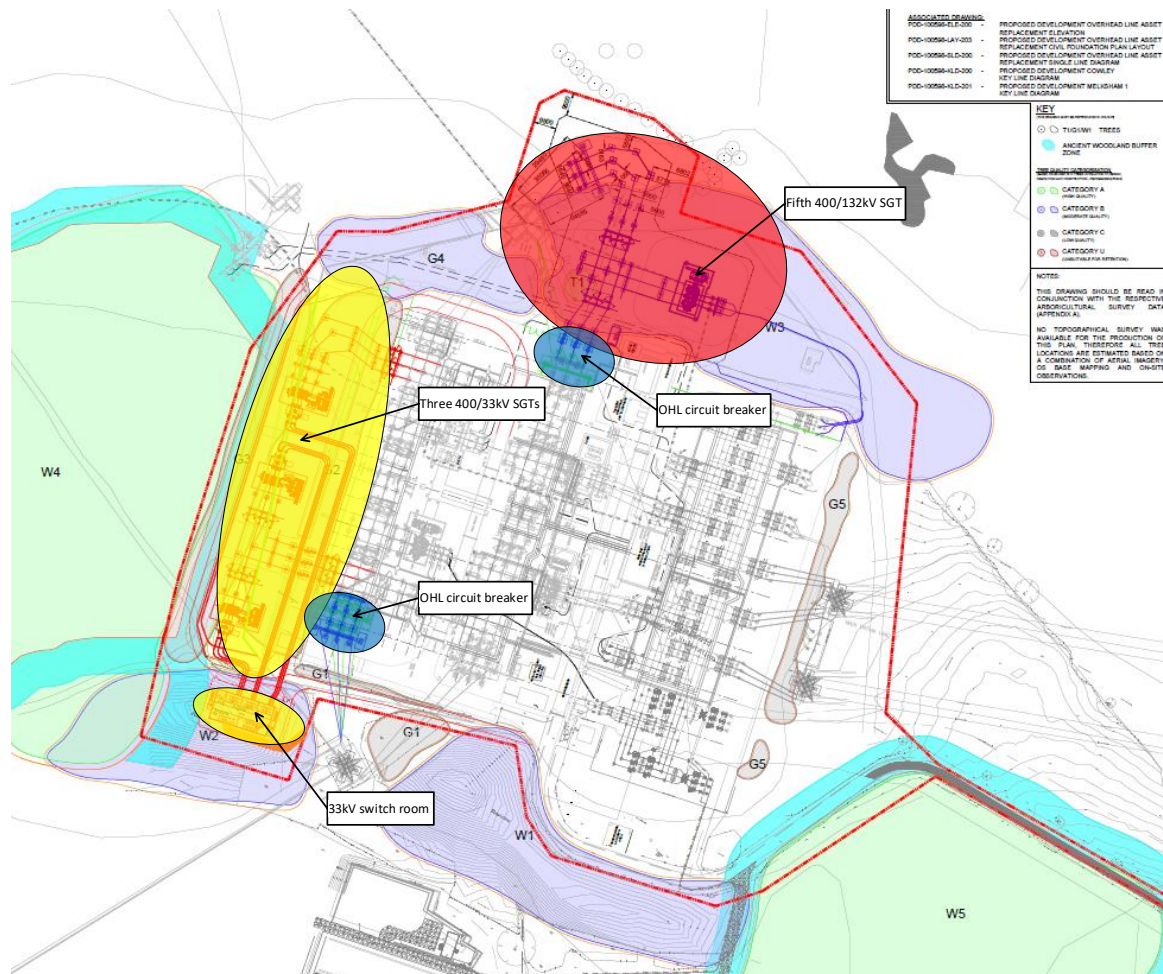
Figure 1 - SEPD region



## 4. Site Layout

It was agreed that developing at the existing site would have a lesser overall sustainability impact than a new greenfield substation – an extension also has the benefit of siting electrical equipment in the same location where this type of infrastructure already exists. Once it was determined that the connections would be facilitated through a substation extension, layout options were explored on alternative areas of the existing substation site. The alternative layout options would have a similar impact on the surrounding woodland.

Figure 2 below shows the site layout and, at a high level, identifies the works being completed in the different areas.



**Figure 2 - Site layout showing areas**

The areas highlighted yellow are for the installation of three 400/33kV 150MVA SGTs and the associated 33kV switch room. These items are discussed further in Section 5 BESS/ Solar generation.

The area highlighted red is for the installation of the fifth 400/132kV 240MVA SGT. This is discussed further in Section 6 DNO connections.

The areas highlighted blue are for the installation of Overhead Line (OHL) circuit breakers. These items are not discussed further within this paper but are associated with the Section 6 DNO connections works.

## 5. BESS / Solar generation

National Grid has made connection offers under its statutory license duty to nine BESS / solar developers. These offers are detailed in the TEC register published by National Grid ESO ([Link to ESO TEC Register](#)) and a summary for the Minety site is detailed in Table 1 below:

Project Name	Customer Name	Cumulative Total Capacity (MW)	Agreement Type	Plant Type
Dog Trap Lane	HD381GRE Limited	47.5	Directly Connected	Energy Storage System
Fairholme BESS	HB411MIN Limited	47.5	Directly Connected	Energy Storage System
Minety	HB411MIN Limited	47.5	Directly Connected	Energy Storage System
Minety Tertiary (2)	JBM SOLAR PROJECTS 14 LIMITED	47.5	Directly Connected	PV Array (Photo Voltaic/solar)
Pond Hill Farm 1	PD688IRO LTD	47.5	Directly Connected	Energy Storage System
Pond Hill Farm 2 BESS	PD688IRO LTD	47.5	Directly Connected	Energy Storage System
Somerford	PD813ETY LTD	47.5	Directly Connected	Energy Storage System; PV Array (Photo Voltaic/solar)
Southfields	PD503HAN LTD	47.5	Directly Connected	Energy Storage System; PV Array (Photo Voltaic/solar)
Southfields Farm	PD300RON Ltd	47.5	Directly Connected	Energy Storage System

**Table 1 - Minety TEC Register entries**

Each connection is rated at a capacity of 47.5MW and must be capable of operating at  $\pm 0.95$  power factor. Therefore, each connection requires 50MVA to be allocated. The connections are grouped in sets of three, with each set requiring a 400/33kV 150MVA SGT.

As the existing capacity is fully allocated to SEPD, these customers drive the requirement for an additional three SGTs and associated works. These SGTs are allocated in the extension to the west of the site and connect to the developers via the new 33kV switch room to the south of the site.



## 6. DNO connections

In June 2021, SEPD submitted a 'Project Progression' (a type of connection application used for DNO connections) for an additional 100.9MW of developer capacity. National Grid analysed this additional capacity and determined it was not possible to provide a SQSS compliant without installing a fifth 400/132kV 240MW SGT. This fifth SGT is to be located to the north of the existing site. This capacity increase is driven by embedded generation within SEPD's network. The specific sites requesting this increase are shown in Table 2 below:

Generator Name	Embedded Small Power Station Reference Number	Technology Type	Registered Capacity	BSP - Bulk Supply Point
Stonehill - BATTERY	EQG524	Battery	49.9	EHB411 (EQG524)
Land on North Side (PSSe =EQT906, Charlton Park )	EQT906	PV	30	EQT906
Windmill Farm	EPZ835	PV	13	CIRE31
The Barn - PV	EQP861	PV	3	CIRE31
Mannington 5MW increase	ERX733	Battery	5 MW increase	TOOT31

**Table 2 - SEPD June 2021 additional demand**

In total, SEPD have 912MW of embedded generation connected or contracted to connect into their network and back to Minety substation. This exceeds the capabilities of the existing SGTs at the Minety substation which as per SQSS provide a firm capacity of 720MVA hence requiring the fifth SGT to provide a firm capacity of 960MVA. Full details of the SEPD embedded connections are shown in the appendix A.

## 7. Next Steps

National Grid has applied for planning permission for the works detailed and awaits the decision of the planning authority. In the event planning permission were to be refused, National Grid would make an appeal to the Secretary of State against the decision, under section 78 of the Town and Country Planning Act 1990.

If all options for planning permission at the existing site were to be exhausted, National Grid still has a licence obligation to offer a customer connection, therefore the signed customer connection offers would trigger the need for a new greenfield substation.

## 8. Conclusions

The above details the need to install three 400/33kV 150MVA SGTs and associated 33kV switch room to enable the connection of nine BESS / solar generators connecting directly to the National Grid substation. A further increase in embedded generation of 100.9MW of SEPD DNO developer capacity details the need to install an additional 400/132kV 240MVA SGT.

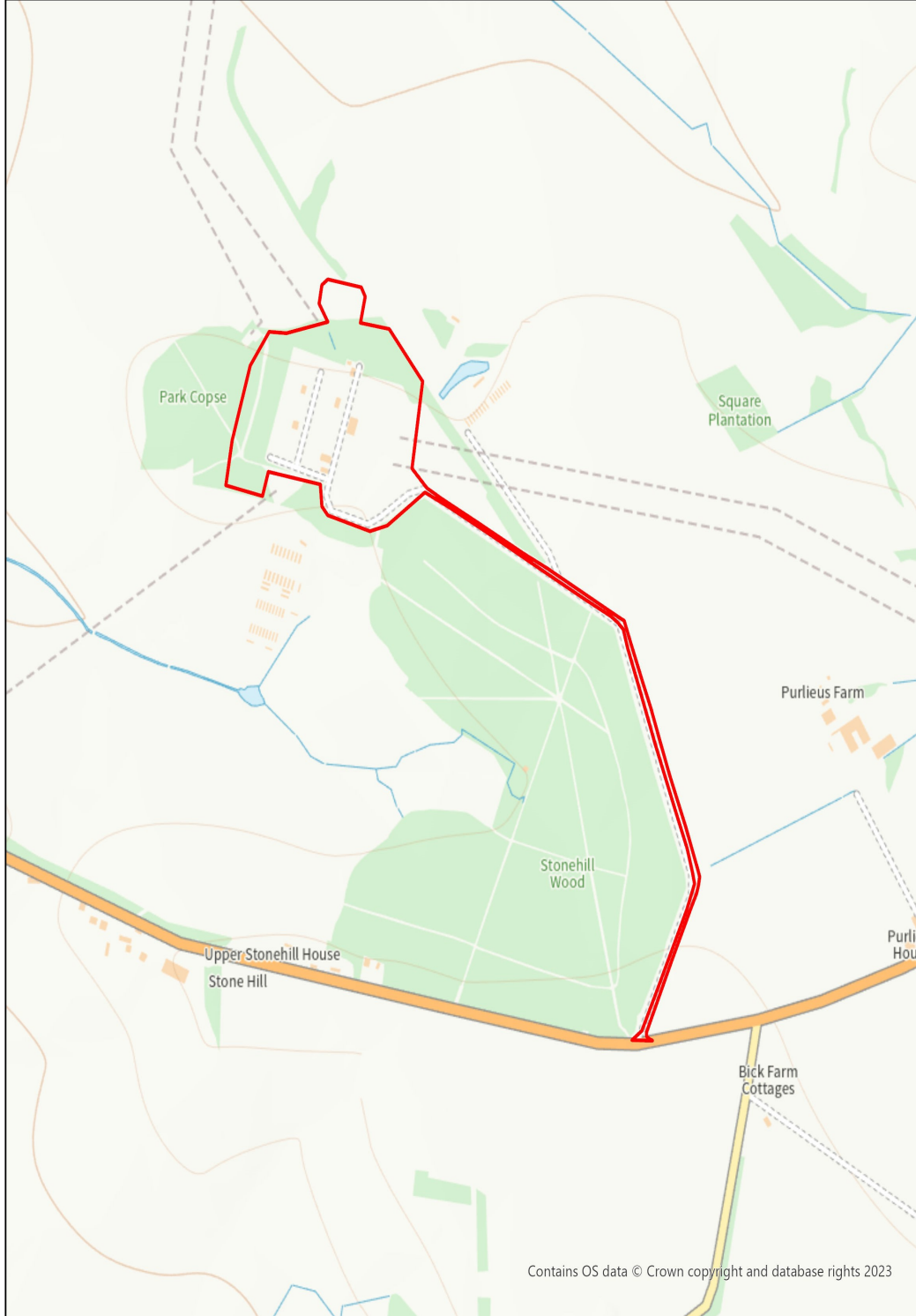
## Appendix A – SEPD embedded generation (existing and additional)

Generator Name	Embedded Small Power Station Reference Number	Technology Type	Registered Capacity	BSP - Bulk Supply Point
Chapel Farm, Swindon	EBU633	LANDFILL GAS	4.0	SWIN31
Westmill Windfarm	N/A	WIND	2.8	STRA31
Iceland's Food	N/A	LANDFILL GAS	2.0	TOOT31
Rodbourn Sewage diesel + CHP	N/A	MIXED	1.7	SWIN31
Biffa Waste Studley Grange	EBS277	WTE	2.0	SWIN31
Allied Dunbar		LANDFILL GAS	2.0	SWIN31
Honda PV	DTW764	PV	4.5	STRA32
Westmill PV	DSQ735	PV	5.0	STRA31
Pentylands PV Farm	DWF391	PV	15.0	STRA31
Castle Eaton Farm PV, Swindon	DWH006	PV	15.0	SWIN31
Crucis PV	DYU219	PV	15.0	CIRE31
Spittleborough PV	DYL525	PV	8.0	SWIN31
Roves PV	DZU601	PV	9.0	STRA32
Orta Port PV	DZR151	PV	28.6	STRA32
Lynt Farm PV	DYN614	PV	22.6	STRA32
Bentham PV	DYF061	PV	8.7	CIRE31
Goldborough PV	DYL711	PV	5.0	SWIN31
Nationwide Generation	DYD689	MIXED	1.8	SWIN31
Wroughton Air Field PV	DYW852	PV	48.5	TOOT31
Lower Bassett Down PV	DYY358	PV	9.0	TOOT31
Chapel Farm PV	EBS983 / EKA081	PV	5.0	SWIN31
Stanton Waters	DYX779	PV	4.0	STRA31
Park Grounds AD Farm	EHE040	PV	6.0	SWIN31
Braydon PV	DYX152	PV	7.0	CIRE31
Wickfield PV 0	DXX353	PV	4.0	SWIN31
Stanton Fitzwarren PV	EBD218	PV	3.5	STRA31+K31:K36
Common Farm PV	EJT887	PV	6.8	TOOT31
Lyneham College PV	ECS589	PV	49.9	LYDIARD31

Generator Name	Embedded Small Power Station Reference Number	Technology Type	Registered Capacity	BSP - Bulk Supply Point
Cheney Manor Spark		CHP	2.2	SWIN31
Cap Gemini Merlin Data Centre Diesel	EDP367	DIESEL	2.5	STRA31
B&Q Swindon DC	EED543	PV	1.71	STRA31
Catsbrain Farm	EGZ181	BATTERY	20	STRA32
Minety Energy Storage	EHB411 (EQG524)	BATTERY	99.9	EHB411 (EQG524)
Mannington Depot	EJC395	BATTERY	30	TOOT31
Barnfield Landfill	EJJ081	BATTERY	1.2	SWIN31
Brookfield Farm	EHJ133	PV & Battery	1	
Park Farm Battery	EJE299	BATTERY	10	GALI51
Barnfield PV	ELK669	PV	2.5	SWIN31
UNIT A, G PARK, SWINDON	EJQ026	BATTERY	1.36	STRA32
Minety Combined Generation (Minety Battery Storage on PSSe)	EGP231	Battery	99.99	MITY12
WOOTTON BASSETT FLEXIBLE GAS	ENT048	Gas	6.5	SWIN31
The Common Battery	EJR230	BATTERY	49	EJR230
Brindley Close Battery	ELR112	BATTERY	12	SWIN31
CIRENCESTER PV	ENC913	PV & Battery	10	CIRE31
CORNER COPSE SOLAR	ELG049/ESP764	PV	50	ELG049
Cirencester Solar Park	EMS642	PV	50	
CIRENCESTER SOLAR PARK, ESTATE OFFICE	EPU169	PV	25	
Welsh Way - SOLAR PV	EPF322	PV	10	
Siddington - PV	ERH219	PV	23	
Vodafone Swindon - PV	EPU629	PV	7	
Stonehill - BATTERY	EQG524	Battery	49.9	EHB411 (EQG524)
Land on North Side (PSSe =EQT906, Charlton Park )	EQT906	PV	30	EQT906
Windmill Farm	EPZ835	PV	13	CIRE31
The Barn - PV	EQP861	PV	3	CIRE31
Mannington 5MW increase	ERX733	Battery	5 MW increase	TOOT31

National Grid plc  
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Warwick Technology Park,  
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CV34 6DA United Kingdom  
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No. 4031152

[nationalgrid.com](http://nationalgrid.com)



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## REPORT FOR PLANNING COMMITTEE

<b>Application Number</b>	PL/2022/04524
<b>Site Address</b>	Land east of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ
<b>Proposal</b>	Installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security fence & gates
<b>Applicant</b>	Conrad Energy (Developments) II Limited
<b>Town/Parish Council</b>	Minety
<b>Electoral Division</b>	Minety – Councillor Chuck Berry
<b>Grid Ref</b>	403012 188462
<b>Type of application</b>	Full Planning Permission
<b>Case Officer</b>	Adrian Walker

### Reason for the application being considered by Committee

The application has been called-in by the Division Member Chuck Berry (Minety Division) (on the 17 October 2022) for the following reasons - 'scale of the development', 'visual impact upon the surrounding area', 'relationship to adjoining properties', 'design – bulk, height, general appearance' and 'environmental/highway impact'. It was also stated that the proposal is for one of eleven applications for Battery Energy Storage Systems in the area so the cumulative impact needs to be considered.

#### 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 to grant planning permission subject to conditions.

#### 2. Report Summary

The main issues for consideration are:

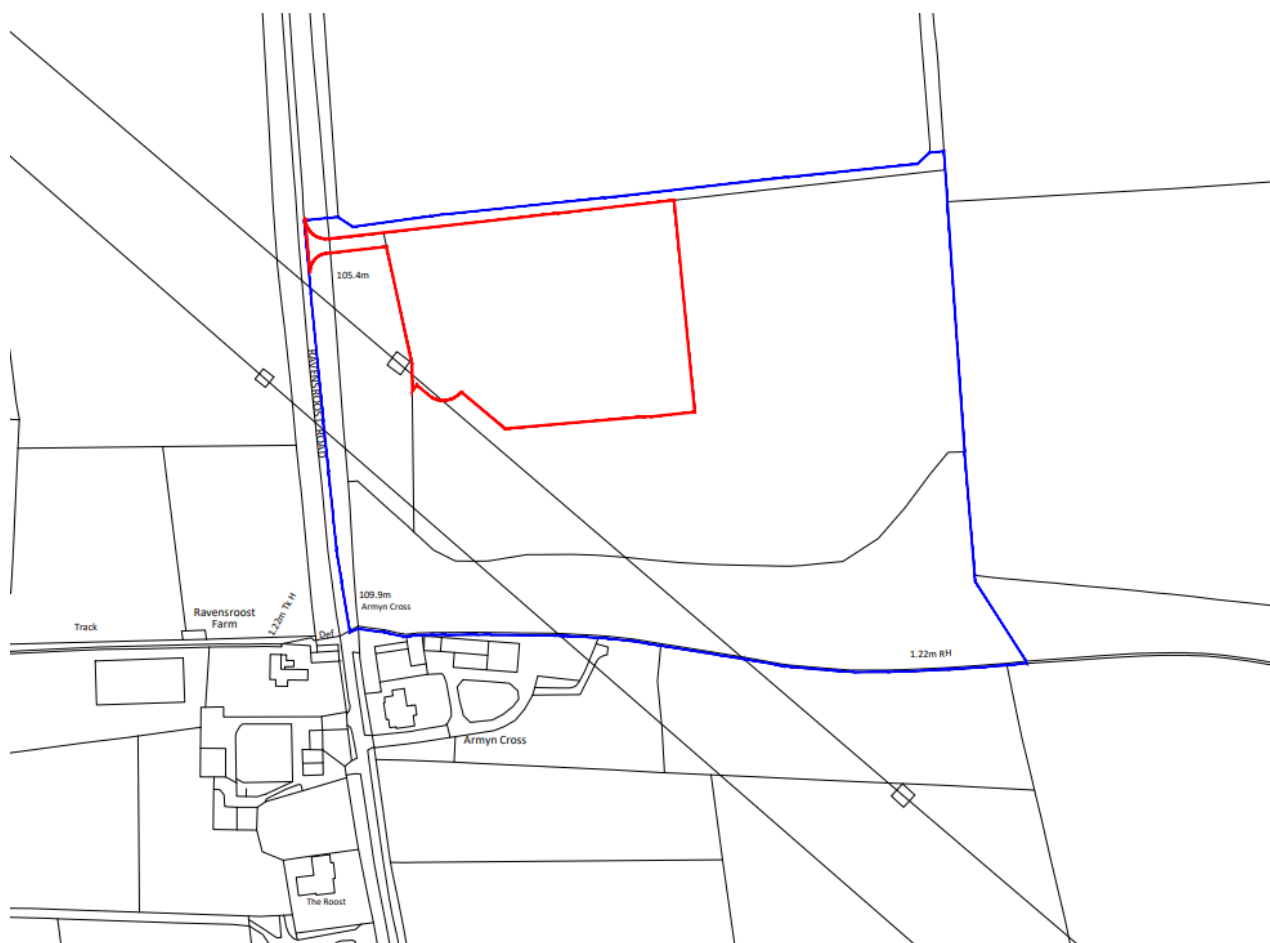
- a) Whether the proposal is acceptable in principle;
- b) Whether the proposal would result in the loss of agricultural land;
- c) Whether the proposal would be harmful in terms of its landscape and visual impact;
- d) Whether the scheme would give rise to an adverse impact on residential amenity;
-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

- h) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets; and
- i) Whether the proposal would result in any other adverse environmental impacts.

### 3. Site Description

The application site is a green field located in open countryside comprising approx. 1.17 hectares of Grade 3 Agricultural land situated approximately 1.8km to the south of the small village of Minety. The site as existing is situated within predominantly flat pastureland with woodland planting along the northern, southern and western edges of the field which lies to the immediate east of the classified C76 road which runs north to south. Access from the highway is provided via an existing field gate sat back from the road.

Bridleway reference MINE58 follows a route along the southern edge of the field through an existing young/semi mature linear woodland belt. Beyond this lie a number of residential properties and farm buildings with the closest dwelling being approximately 100m to the south. Other farms and associated residential buildings are situated approximately 600m to the north of the site and 600m to the east of the site. Cutting diagonally across the field running north-west to south-east are two National Grid high voltage overhead cable lines supported on a large pylon.



Site Location Plan (Drawing 20029-LP-002 Location Plan)

The site is not within any area designated for nature conservation however there are two Sites of Special Scientific Interest (SSSIs) to the north (Distillery Farm Meadow) and north west (Ravensroost Wood) within 500m of the proposed site



#### 4. Relevant Planning History

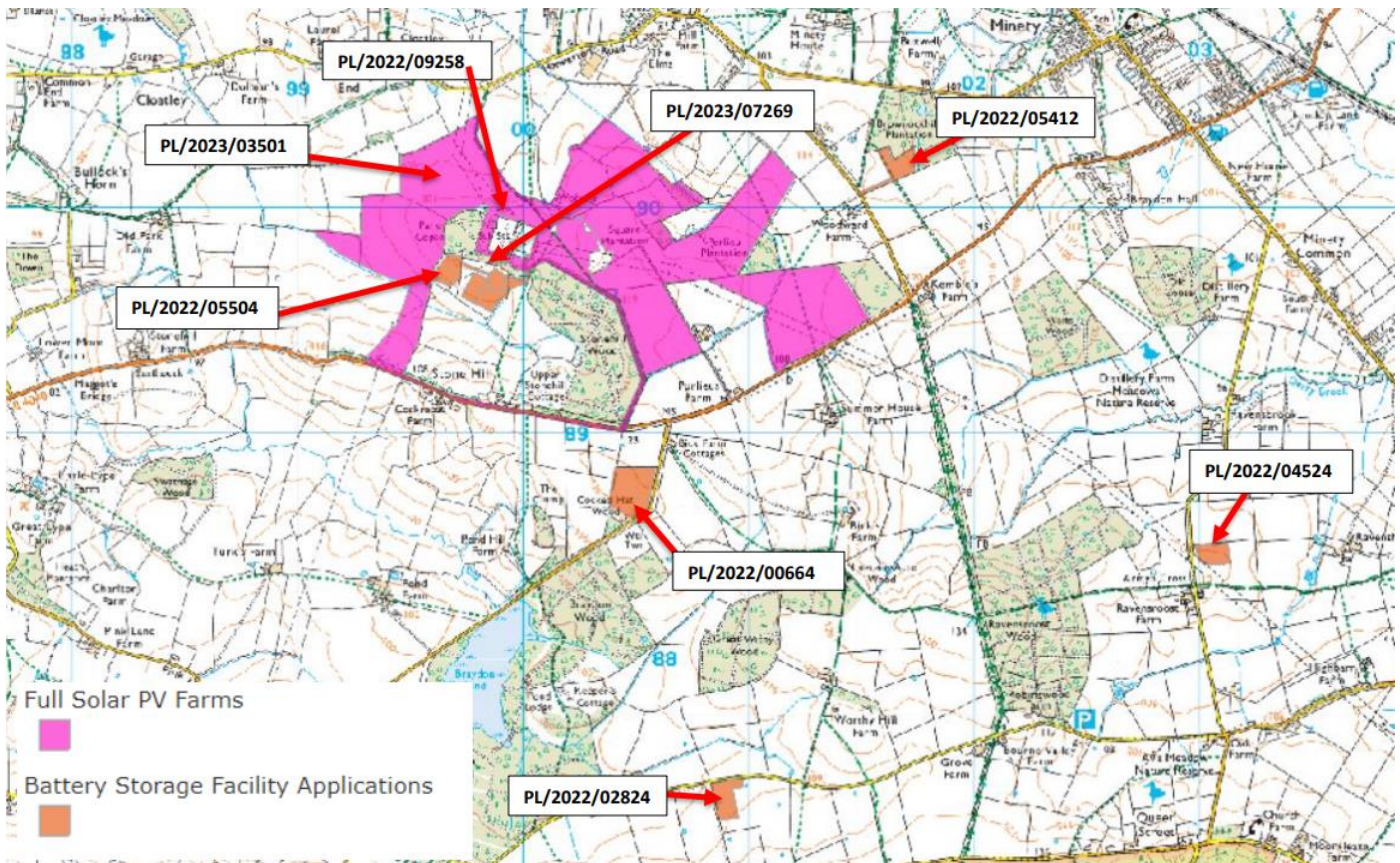
The following planning application is material to the assessment of the current proposal:-

- 18/04914/FUL - Development Works Required for the Construction of a Battery Energy Storage Facility - Land Adjacent to Ravensroost Farm, Minety, Malmesbury, Wiltshire, SN16 9RJ – Granted 10 October 2018

The application was approved by the Northern Area Planning Committee subject to 16 conditions.

There are other current planning applications before the Council for Solar Photovoltaic and Battery Energy Storage System developments. They are as listed as follows and identified on the map below:-

- PL/2022/02824 - Land at Somerford Farm, Brinkworth, SN15 5AU - Proposed Development is for a battery storage facility and ancillary development. (2.6km South East of Substation)
- PL/2022/05412 - Land off Dog Trap Lane, Minety - Proposed Development is for a battery storage facility and ancillary infrastructure Revision of PL/2022/00404. (PL/2022/00404 was withdrawn) (1.5km East of Substation)
- PL/2022/05504 - Land at Stonehill, Minety, Wiltshire, SN16 9DX - Installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements. (South West of Substation)



- PL/2022/08634 - Lower Moor, Minety - Solar Park and Energy Storage Facility together with associated works, equipment and necessary infrastructure.
- PL/2023/03501 - Land near Minety Substation, Minety, SN16 9DX - Variation of condition 3, 4, 5, 6, 7, 11 & 20 of 20/03528/FUL -To allow modifications to the approved layout, increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters, alterations to location of vehicular access.
- PL/2023/07269 - Land to the east and south of National Grid Minety Substation, Minety, Malmesbury, Wiltshire, SN16 9RP - Installation of a grid connection cable route for an electrical connection between the approved Minety Battery Storage Facility (Planning ref:20/07390/FUL) and National Grid Minety substation.

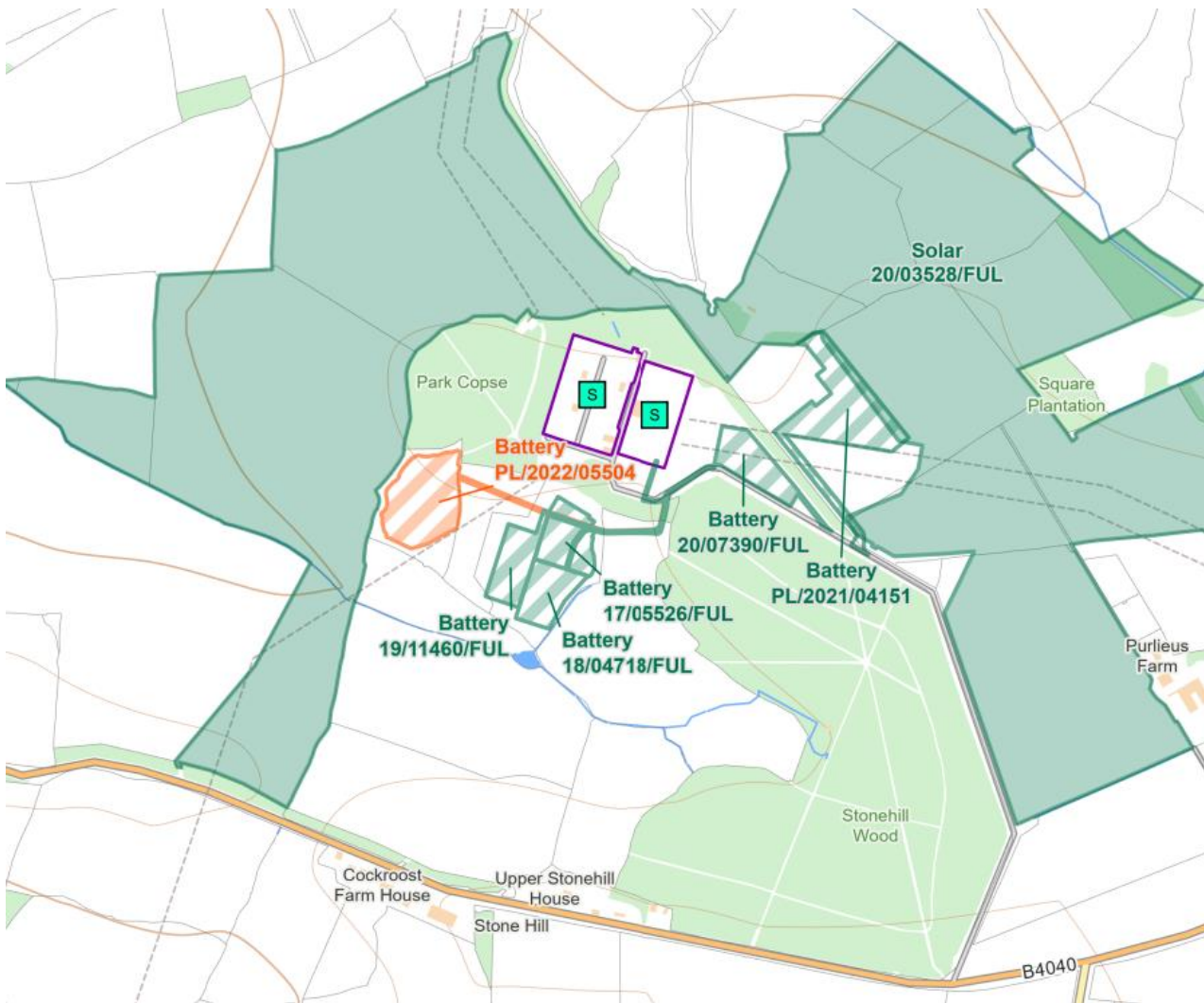
The following current applications, for an extension to the Minety Substation and another Battery Energy Storage System, are also relevant to the assessment of the current proposal and are identified on the map above:-

- PL/2022/09258 - Minety Substation, Minety, Wiltshire, SN16 9DX - Extension of existing substation comprising installation of 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.
- PL/2022/00664 - Land off Pond Lane, Minety - Proposed Development is for a battery storage facility – Non-Determination Appeal ref APP/Y3940/W/23/3319392. (1.05km South East of Substation)

There are also a number of approved applications for Solar Photovoltaic and Battery Energy Storage Systems around the Minety Substation, they are listed as follows with some of the key ones identified on the plan below:-

- 20/03528/FUL - Installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery-based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure - Approved with Conditions 20/08/2021 (north / east and west of the substation)
- Planning Application 17/03936/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 20/07/2017 (*north of the substation*)
- Planning Application 17/03941/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 19/07/2017 (*north of the substation*)
- Planning Application 17/05526/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV, landscaping and substation - Land adjacent to electricity sub station - Approved with Conditions 21/09/2017 (*south of the substation*)
- Planning Application 18/04718/FUL - Energy Storage System, Comprising Battery Storage Containers, Ancillary Buildings, Security Fencing, CCTV and Landscaping - Land Adjacent to Electricity Sub Station - Approved with Conditions 19/07/2018 (*south of the substation*)

- Planning Application 19/11460/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV and landscaping - Approved with Conditions 06/02/2020 (*north-east of the substation*)
- Planning Application 20/07390/FUL - Installation of a battery storage facility and ancillary development on land adjacent to National Grid's Minety Substation - National Grid Minety Substation Approved with Conditions 25/01/2001 (*east of the substation*)
- Planning Application PL/2021/09101 - Variation of conditions 2 and 10 for application 17/03941/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 28/06/2022
- Planning Application PL/2021/04151 - Construction of a 2 hour duration containerised Battery Storage Facility with the ability to store and export up to 49.99 MW of electricity. The development will comprise 58 single storey steel cabins, known as E - Houses which are 12m long, 2.4m wide and 2.9m high, which house banks of lithium-ion batteries. 12 MV Blocks, also known as the transformers and control gear sit alongside E - Houses. The compound is protected with a 2.5 m high steel mesh fence. The proposed development would replace the approved Minety North substation (Minety North, 17/03936/FUL) – Approved with Conditions 08/11/2021 (*north-east of the substation*)



(source: planning application PL/2022/04524 / Conrad Energy (Developments) II Limited / dated 31.10.22)



There are operational Battery Energy Storage Systems directly to the north-east and south of the Minety Substation with other solar photovoltaic development within the wider landscape.

## **Environmental Impact Assessment**

The Town and Country (Environmental Impact Assessment) Regulations 2017 requires the Local Planning Authority (LPA) to adopt a screening opinion to determine whether the proposed development should be classified as Environmental Impact Assessment (EIA) development.

The proposed development does not fall within any of the specific descriptions set out in Schedule 1 of the Town and Country (Environmental Impact Assessment) Regulations 2017 but does fall within Schedule 2, Column 3 'Energy Infrastructure'. While it is recognised section 3(a) applies to "Industrial installations for the production of electricity, steam and hot water" the proposed development is clearly linked to the management and distribution of electricity.

The proposed development has therefore been considered against the selection criteria for screening Schedule 2 development set out at Schedule 3 of the Regulations i.e. characteristics of development, location of development, and type and characteristics of potential impact. The Local Planning Authority originally concluded that the proposed development on its own would not result in effects the significance of which would require an environmental impact assessment. However, the proposal cannot be considered in isolation. There are multiple existing and approved energy infrastructure developments in the locality and there is a link between the current proposal and the proposed extension of the Minety Substation. It was considered that the cumulative impacts would be likely to have significant effects on the environment, particularly on the character of the landscape and on the traffic on the local highway network during the construction phase. Therefore, it was advised that the proposal is EIA development, and an environmental statement is required.

The screening opinion adopted by the Local Planning Authority did however state that "Screening Directions are currently awaited from the Secretary of State in respect of two similar development proposals (PL/2022/02824 Land at Somerford Farm, Brinkworth & PL/2022/05412 Land off Dog Trap Lane, Minety). The Secretary of State's decision in those cases will either confirm the present screening opinion or necessitate a further review of the proposal". The Secretary of State has since determined that for both applications the proposals would not be EIA development. The following conclusion was reached for both applications; "Overall, based on the available information and having regard to the considerable amount of permitted energy development in the locality, the Secretary of State has concluded there are no other issues or factors in this case, in this specific location, that either in isolation, or cumulatively, indicate a likelihood of there being significant environmental effects from this proposal. EIA is therefore not required".

The Local Planning Authority has therefore reviewed the original screening opinion for this current proposal in light of the view and standard set by the Secretary of State. It was always the case that the proposed development, when considered in isolation, would not result in significance effects that would require an environmental impact assessment. The culminative impact was the decisive factor with the Local Planning Authority stating there is increasing concern over the cumulative effects of multiple schemes in the locality and not solely in terms of the landscape and visual effects. There is a view that, rather than being a series of unrelated proposals, they are part of a larger project for National Grid that would be EIA development.

The Secretary of State however advised that the Battery Energy Storage System (BESS) developments under focus and the proposed expansion of the Minety Substation by National Grid (application PL/2022/09258) are not part of a single project. The grid connection for any BESS would constitute the same project but the substation development does not. The point of connection to the grid for BESSs therefore form part of the same project for EIA screening purposes. The

Secretary of State also considered the similar or related developments within the area which are currently proposed or approved. The cumulative noise impact and landscape and visual impact during the operational phase of the energy related developments were considered, along with the cumulative construction phase impacts.

The Secretary of State concluded (on the 22<sup>nd</sup> November 2023) that significant effects from noise impact from the BESS alongside other such similar facilities, whether existing, approved or pending facilities is unlikely to be significant for the nearest sensitive receptors. In terms of landscape and visual impact, given the lack of intervisibility to other sites and relatively small and heavily screened nature of the proposal, significant adverse effect in this regard is unlikely for the various similar facilities in the locality. Furthermore, cumulative construction phase impacts are unlikely, these projects have a relatively short construction phase even in the event the construction of more than one site in the vicinity coincided construction phase the impacts are unlikely to be significant. Finally, it was advised; "Overall, given also that the Secretary of State considers multiple catastrophic events across sites is unlikely (e.g. leading to cumulative pollution impacts such as through battery leakage), based on the information available he considers any such cumulative impacts arising from this proposal alongside the other approved or other existing BESS development (or other energy infrastructure development) is also unlikely. This conclusion has regard to all of the above issues, given the location, nature, scale, and characteristics of the proposed BESS development".

The proposed BESS development currently proposed on Land east of Ravensroost Road, Ravenshurst Farm, Minety is an isolated development that will have localised landscape and visual impacts. As such, and having regard to the view of the Secretary of State regarding the potential for significant effects as a result of traffic on the local highway network during the construction phase, it is now concluded that cumulative impact of the development currently proposed alongside the energy related developments within the area would not result in significant environmental.

The Local Planning Authority's reason for concluding that the proposed development is not EIA development is that it does not consider that the proposed development would, by reason of its nature and scale, generate other waste, or traffic, or pollution and nuisances, or risks of accidents of such significance or unpredictability to require EIA. Furthermore, the environmental sensitivity of the location is such that impacts on matters such as existing uses, populated areas and landscape, are unlikely to be so significant to require EIA.

The proposal is not therefore EIA development, however cumulative impact is a key consideration when considering the acceptability of the proposal under relevant planning policies and guidance as discussed below.

## **5. The Proposal**

The application seeks full planning permission for a Battery Energy Storage System (BESS) with a capacity of c.50MW. The batteries would be housed within containers which utilise air conditioning units for cooling purposes. The facility is supported by ancillary development, including transformers, inverters, and switch gear units. The site would also be surrounded by a security fencing and new landscaping and biodiversity enhancements.

The Planning Statement (May 2022) by aardvark explains that the BESS is designed to capture energy and use it at a later pre-determined date. These systems complement intermittent sources of energy such as wind, tidal and solar power in an attempt to balance energy production and consumption. In addition, BESS's can provide system security by supplying energy during electricity outages, minimising the disruption and costs associated with power outages.

The Design & Access Statement (May 2022) by aardvark provides a detailed description of the development and lists the individual items of infrastructure to be installed:-

- 30no. battery energy storage containers
- 15no. inverter containers
- Amenity cabin/welfare
- Customer Control room/switch room
- Auxiliary Transformer
- DNO (*District Network Operator*) substation

The BESS compound has been sited within the red line area of the previously approved development under application reference 18/04914/FUL.



Proposed Site Plan (drawing ref. 20029-PP-004 Rev F)

The Proposed Site Plan shows that the proposals include a compound which will have a crushed aggregate surface surrounded by a 2.4m security fence containing the 45 containers and infrastructure listed above. The maximum height of the structures is stated to be 5.5m positioned on a levelled-out area of the site. The development would be accessed from an existing field gate that links to Ravensroost Road in the north-west corner of the application site.

The point of connection for the proposed development to the electricity grid, would be at a point of connection to the local distribution network west of Ravensroost Road next to the 132KV overhead line. The application explain that the applicant has accepted a unilateral grid offer with the local Distribution Network Operator (DNO) who will undertake the works rather than the applicant under their statutory powers. The grid connection point and identified compound area is shown on the site layout plan but without detail. This will be subsequently supplied by the DNO prior to undertaking the works. Accordingly, planning permission is not being sought for this element of the scheme.

The application is supported by the following plans and documents: -

- Document. Design & Access Statement by Aardvark EM
- Document. Noise Assessment by Inacoustic
- Document. Preliminary Ecological Appraisal by Western Ecology
- Document. Biodiversity Net Gain Plan by Western Ecology
- Document. Biodiversity Net Gain Metric by Western Ecology
- Document. Landscape and Visual Appraisal by Swan Paul
- Document. Flood Risk Assessment by Awcock Ward
- Document. Agricultural Land Classification report by Aardvark EM Limited
  
- Drawing. Location Plan by Conrad Energy – ref. 20029-LP-002
- Drawing. Proposed Site Layout Plan by Conrad Energy – no. 20029-PP-004-F (1:200) and 20029-PP-005-B (1:500)
- Drawing. Amenity Cabin – ref. CEL-STD-AC-540\_-40' AMENITY CABIN -AS-(A3)
- Drawing. Acoustic fence – ref. CEL-STD-AF-731\_Acoustic Fence-(A3)
- Drawing. Battery Unit – ref. CEL-STD-BATT-RSU-375\_GE-Battery Unit\_A3
- Drawing. Inverter Unit – ref. CEL-STD-BATT-INV-380\_GE Inverter\_A3
- Drawing. Security Camera – ref. CEL-STD-CCTV-800\_ Security Camera-(A3)
- Drawing. Palisade Fence and Gate – ref. CEL-STD-PF-G-700\_Palisade Fence and Gate-(A3)
- Drawing. DNO Substation – ref. CEL-STD-132kV-203\_ 132kv Substation (A2)
- Drawing. Switchroom – ref. CEL-STD-SW-135\_Switchroom (A3)
- Drawing. Auxiliary Transformer – ref. CEL-STD-TX-165\_Auxiliary Transformer-(A3)
- Drawing. Landscape Planting/Mitigation Plan – ref. SPP07-F Mitigation Plan
- Drawing. Preliminary Drainage layout – ref. 1292-01-Prelim Drainage Layout-1001-C

## 6. Planning Policy

### National Planning Policy Framework (NPPF)

**Wiltshire Core Strategy** 2006 – 2026, with particular regard to:

- Core Policy 42 Standalone Renewable Energy Installations
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development
- Core Policy 62 Development impacts on the transport network
- Core Policy 67 Flood Risk;

### North Wiltshire Local Plan 2011 (Saved Policies)

- Policy NE12 Woodland (saved North Wiltshire Local Plan policy);
- Policy NE14 Trees and the control of new development (saved North Wiltshire Local Plan policy);
- Policy NE18 Noise and pollution (saved North Wiltshire Local Plan policy).

**Planning Practice Guidance** for Renewable and Low Carbon Energy (published 18 June 2015 / updated 14 August 2023).

Government policy for delivery of major energy infrastructure:-

- Overarching National Policy Statement for Energy (EN-1)

- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for the Electricity Networks Infrastructure (EN-5)

## 7. Consultations

The application has been subject to formal consultation and publicity. The most recent response from each consultee is summarised below:

**Environment Agency** – No observations.

**Natural England** – No observations – “we have no specific comments to make”.

**National Grid** – No objection; “there are no National Grid assets affected in this area.”

**Dorset & Wiltshire Fire and Rescue Service** – Standard advice provided

**Council Archaeology** – No objection, no further archaeological investigation works required.

**Council Highways Department** – No objection, subject to the conditions to secure a Construction Management Statement, a photographic pre-condition highway survey, and for the access arrangements to be safely laid out.

**Council Ecologist** – No objection subject to conditions to secure a Construction Ecological Management Plan, to limit lighting, and the implementation of the Biodiversity Net Gain Scheme

**Council Landscape Officer** – No objection subject to conditions to ensure the development is temporary and the land is restored to its existing agricultural use after 25 years, an updated landscape design scheme and its implementation, and a Landscape and Ecological Management Plan (LEMP) to ensure the establishment and long term management of the mitigation / planting scheme.

**Council Arboricultural Officer** – No observations

**Council Drainage Officer** – No objection to the updated application subject to a condition to secure full details of the proposed surface water drainage scheme.

**Council Public Protection Officer** – No objection, subject to conditions to secure the mitigation measures to control noise outlined within the Noise Impact Assessment, to limit light spillage from the site, and the submission and approval of a Construction Environment Management Plan.

**Minety Parish Council** – Objection – “Minety Parish Council supports green energy solutions, but objects to this battery storage planning application because it:

- is close to residential properties,
- is on a green field site, near public footpath/ bridleway and a further local residents permitted footpath,
- has been “hurriedly” put together,
- has not given due consideration to the environmental impact,
- involves additional construction works without submitting a Construction Management Plan (new sub-station, substantial roadworks, water works tbc),
- has not clarified fire risks, flood risks, issues arising from nearby mains gas pipe, or other environmental risks”.

Minety Parish Council’s full response (dated 28/07/2022) outlines the grounds for objecting to the application in further detail, and draws attention to inaccuracies within the application and identifies conflict with planning policy.



**Hankerton Parish Council** – Objection. The Parish Council has provided very detailed comments (dated 28/09/2022) objecting to the application on the following grounds:-

- There are currently 11 development/proposals of battery energy storage scheme (BESS) connecting into the sub-station at Stonehill on the Hankerton/Charlton parish border.-
- There are concerns about the use of Lithium-ion, fire safety and toxicity hazards represented by the chemistry in BESS.
- There are concerns that the proposal will increase environmental hazard for communities and wildlife living near or adjacent to the site.

## **8. Publicity**

As a result of publicity, representations have been received from 32 people, a small number acknowledge the need to excess electricity but all object to the proposed development on the application site for the following reasons:-

- The proposed development is not at Ravensroost Farm but Ravenshurst Farm
- The development is of an industrial nature but on agricultural land
- The development will result in the unnecessary loss of greenfield land
- The development will harm local habitat / wildlife
- The development should be on brownfield land
- The development would be sited off a narrow country lane.
- The development will adversely impact local road users & neighbours
- The road infrastructure which would serve the development is insufficient
- The site is next to a bridle path (MINE58) which forms part of an important horse riding circuit with byway CHAR
- The development will have an adverse noise impact
- The development would result in light pollution
- The development will pose a fire risk / hazard - lithium energy storage is prone to leakage and fire
- The development is one amongst many at Minety
- Minety is already host to the largest battery storage unit in Europe
- There is no demonstrable need for any more storage around this area
- The development would within close proximity to the SSSI at Ravensroost and Wiltshire Wildlife Trust land
- The need to reach net zero carbon targets should not outweigh the needs of the local community, rural countryside which is an area of historical interest and outstanding natural beauty.
- The application is not supported by a Risk Assessment
- The application is not 'broadly similar' (as stated within the supporting documents) to the previous approval, the proposal is bigger, will take longer to build and will be closer to existing dwellings.

## **9. Planning Considerations**

### **a) Whether the proposal is acceptable in principle**

The Infrastructure Planning (Electricity Storage Facilities) Order 2020 removed all forms of electricity storage, other than pumped hydroelectric storage, from the definition of nationally significant energy generating stations under the Planning Act 2008. As such, any proposal for a Battery Energy Storage System below 50MW must be determined by Local Planning Authorities. A BESS proposal above 50MW is defined as a nationally significant infrastructure project (NSIP)

which requires consent from the Secretary of State. The development the subject of this current application is for a 50MW BESS.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (NPPF, par 2). For the purpose of determining this application, the development plan comprises the Wiltshire Core Strategy (adopted January 2015) and the Saved Policies of the former North Wiltshire Local Plan (2011). A core objective of the development plan is to address climate change and through Core Policy 42 'Standalone Renewable Energy Installations', the Council sets out the parameters within which standalone renewable energy installations, which would equally apply to supporting infrastructure, shall be supported.

The NPPF advises that Local Planning Authorities should take a proactive approach to mitigating and adapting to climate change and to help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources (par 160). Battery Storage Facilities are a form of infrastructure that support the use and supply of renewable energy. The Planning Practice Guidance advises that "Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity" (Paragraph: 032 Reference ID: 5-032-20230814).

The Overarching National Policy Statement for Energy advises that energy storage has a key role to play in achieving net zero and providing flexibility to the energy system. Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the National Electricity Transmission System Operator (NETSO) and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases (par 3.3.25 – 3.3.27).

Locally, Wiltshire Council has made a firm commitment to seek to make the county of Wiltshire carbon neutral by 2030 and has pledged as an organisation to become carbon neutral by 2030. The Council's Climate Strategy (2022 – 2027) sets out a clear commitment to increase the uptake of renewable energy, it states the Council seek to "Increase renewable electricity generation including microgeneration (and associated technologies such as storage) in Wiltshire by working in partnership with others" (p28).

The Council's Climate Strategy explains that "At present the grid supplies energy on demand. Once transport and heating are electrified, there will be a much greater demand. In order to manage this a flexible and 'smart' grid will be needed. The UK Net Zero Strategy sets a high level of ambition, stating that all electricity will come from low carbon sources by 2035, subject to security of supply, whilst meeting a 40-60% increase in demand" (p28).

The planning application explains that applicant, Conrad Energy (Developments) II Limited, is a full-service Independent Power Producer (IPP) that delivers power to the National Grid and Commercial customers, and the primary function of the proposed development is to provide standby electricity storage capacity into the local distributive network at peak times to avoid fluctuations and blackouts and can aid in avoiding transmission losses when electricity is transmitted over long distances. Transmission losses can be up to 14%. Times of generation will match times of peak demand within the local network and generation can be controlled remotely. The proposal therefore aligns with the

Government's objective to strengthen the electricity network and enable energy to be used more flexibly. The proposed development is therefore considered to be acceptable in principle in terms of the type of development. However, in order to establish the acceptability of the proposal on the site in question, all material planning considerations associated with the proposal must be considered, and are discussed within the following sections.

In terms of the proposed location of the battery storage facility, the Planning Inspectorate has highlighted that "Locational factors that influence the siting of battery storage facilities include, provision of access to unrestricted network capacity, proximity to a financially viable access to the national grid and point of connection, availability of suitable land and the proximity of a point of access to the highway network" (appeal ref 3289603, par 30). The application does not provide details of the site selection process but it is evident that the chosen location is due the 132KV overhead line that is directly next to the site and offers a point of connection to the grid. The location is also appropriate because it has access to the highway network, is away from neighbouring properties, and within an area that is not protected by any national or local landscape or ecological designations. The site specific impacts of the proposed development and thus the acceptability of the development are however considered in the following sections.

#### **b) Whether the proposal would result in the loss of agricultural land**

The existing use of the site is agriculture. The NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by "...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, and of trees and woodland" (paragraph 180).

Natural England's Technical Information Note TIN049 '*Agricultural Land Classification: protecting the best and most versatile agricultural land*' explains that: "the Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system... The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (see Annex 2 of NPPF)".

The site comprises Grade 3 agricultural land according to broad areas identified by Natural England. The application is supported by an Agricultural Land Classification report (November 2023) by Aardvark EM Limited which advises that following on site investigation the land is classed as Grade 3b. The proposed development would not therefore result in the loss of 'best and most versatile land'. There is therefore no conflict with planning policy in this regard and the need for the facility against the loss of the small area of agricultural land will need to be considered within the overall planning balance.

#### **c) Whether the proposal would be harmful in terms of its landscape and visual impact;**

The NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment (par 180) and Core Policy 51 'Landscape' of the WCS outlines that new 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. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.

The application site does not lie within a designated or protected landscape and the application is supported by a Landscape and Visual Appraisal (January 2022) by Swan Paul Partnership Ltd which refers to the relevant character area (character area 11B: Minety Rolling Clay Lowland) and

provides an assessment of whether a likely significant landscape and visual effect would be experienced by any receptor, by considering the predicted magnitude of change together with the sensitivity of the receptor, taking into account any proposed mitigation measures.

The Landscape and Visual Appraisal concludes by stating that “The site itself is not displaying many unique characteristics of the ‘11B: Minety Rolling Clay Lowland’ character type, and those present are representative and are mainly in the surrounding environs. The modest nature of the development has also resulted in magnitude ratings which are generally ‘low’ for landscape effects. It is anticipated that this, combined with the consideration of this location as having a high capacity to accommodate change, combined with landscape mitigation measures that will improve character and habitat potential, will lead to slight adverse effects for the worst case. The landscape change is therefore not considered to be substantially adverse” (par 7.5.6).

The Council's Landscape Officer highlights that “The nature of proposed development is industrial which is not characteristic of this rural landscape, so it is important to consider whether the proposed development site has been sensitively located and the proposed development is appropriately screened and/or has capability to be screened from local and wider views in order to safeguard existing public visual amenity and not detract from the character of the local area and wider landscape”. The Officer has considered the application and assessed the design of the development, alongside the mitigation measures proposed, and its potential impact on landscape character and visual amenity. The following conclusion is reached:-

“The application site lies in a gently undulating rural agricultural landscape comprising a patchwork of woodland and fields bounded by mature hedgerows with hedgerow trees. Human Settlement is characteristically sparse, and the area has a quiet rural tranquillity and an overarching wild wooded character. The nature of the proposed development is permanent, industrial electricity infrastructure which despite being located close to some existing overhead power lines will result in some uncharacteristic and harmful landscape and visual effects. The loss of existing pasture and its permanent replacement with a new urban industrial use is the most obvious adverse landscape effect. Adverse visual effects will be localised and potentially minimised with the retention and continued management of existing perimeter hedgerows and woodland in combination with the proposed additional planting as mitigation. If the LPA is minded to support this application, then I highlight that further potential piecemeal development of this urbanising nature in the remaining field areas will likely increase the scale and magnitude of adverse landscape and visual effects at this location.

This landscape character area is a largely tranquil and sparsely settled rural landscape that is valued for its remnant remains of ancient woodland and for its nature and conservation value with its historic association as a royal hunting forest.

I would feel far more comfortable if there was a finite time period for the development/landuse (i.e. temporary), and ultimately a requirement to restore the site back to agricultural or agri-environment/forestry use/s after the cessation of electricity storage and transmission uses etc.”.

The applicant subsequently confirmed its agreement to conditions limiting the lifetime of the development to 25 years from the first commercial export of electricity to the grid and an appropriate decommissioning condition (as previously imposed on planning permission ref 18/04914/FUL. This is welcomed by the Landscape Officer who noted that the identified 'permanent' effects will change to 'fully reversible' effects which is key when considering the long term overall effects of the proposed development on landscape character and visual amenity.

In light of the above, it is evident that the proposed development would result in a significant change in the land use which would be industrial in nature and not characteristic of the rural area. However, the impact on landscape character would be localised and would be mitigated as far as possible

through landscape measures in line with Core Policy 51. The need for the development in the locality has been justified above which will have to be considered within the overall planning balance along with the impact on local landscape character and visual amenity.

**d) Whether the scheme would give rise to an adverse impact on residential amenity**

The NPPF advises that the planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability (par 180). This aim is also reflected within Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS seeks to secure a high standard of design in all new development with one key element being the need for consideration be given to the compatibility with adjoining land uses and the impact on the amenities of existing occupants as a result of noise or air pollution etc.

The application is supported by a Noise Assessment (07 June 2022) by Inacoustic which considers the potential noise generation from the static plant components associated with the proposed development, with respect to existing sound levels in the area. The assessment concludes that the development "will give rise to rating noise levels that are in the region of or below the measured background sound level in the area, at each assessed receptor. The assessment also identifies that no change in ambient sound level will be engendered as a result of the Proposed Development in its proposed and assessed form. Consequently, the assessment demonstrates that the Proposed Development will give rise to a low impact in the context of BS4142 guidance and that its effects would be within the range of the NOEL category of the NPPG England guidance".

It is however important to highlight that the report specifies that "without mitigation, the outcome is likely to cause a significant adverse impact" and therefore a mitigation strategy is proposed (par 5/1/2). These include the orientation of the infrastructure, means on enclosure around the infrastructure and 3m acoustic perimeter fencing. The Council's Public Protection Officer highlights the need for the mitigation measures but supports the application subject to their implementation which will need to be a condition of any planning permission that may be granted.

The Council's Public Protection Officer draws attention to the lighting to be installed and recommends that it be subject to an assessment to determine its impact on the local amenity. This can be secured via a condition of any planning permission that may be granted.

It is recognised that there may be some disturbance created during the construction phase, however the Council's Public Protection Officer confirms that the site is remote enough that impacts due to noise and dust from its construction is unlikely to significantly impact on local residents. It is however recommended that a Construction and Environmental Management Plan (CEMP) be submitted and approved via condition.

On this basis, it is considered that the proposed development will not conflict with the relevant policies of the plan, including Core Policy 57 of the WCS, or with relevant provisions of the NPPF.

**e) Whether the proposal would have an adverse impact upon highway safety or public rights of way**

The NPPF advises that transport issues should be considered from the earliest stages of plan-making and development proposals but ultimately it advises 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 (par 115). Core Policy 62 'Development Impacts on the Transport Network' however advises that developments

should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The Design and Access Statement explains that the access, which is designed to accommodate large modern farm machinery is sufficient to meet the needs of the development and therefore no alternations to the access needs to be made. There are several routes to the proposed development site either to the south using the B4042 or the north using the B4040. These would provide access to the development site and site compound for construction staff and deliveries. A Construction Traffic Management Plan has not been submitted upfront (despite reference to one within the Design and Access Statement).

The Planning Statement mentions that the proposed development once completed and operational will require minimal site visits by operations and maintenance staff using cars or vans, such, once operational the additional traffic movements associated with the proposed development will be negligible on the local road network.

The construction period is anticipated to be over a nine month period (rather than the 16 weeks mentioned in the Planning Statement) as shown in the submitted Vehicle Movements Programme. The Highway Authority has reviewed the data and advise that “the largest number of movements are to occur with a range of 30 weekly movements in week 17 to 50 movements in week 25. The highest concentration of trips will occur during weeks 22 to 25 which will see approx. 60 weekly movements, where two movements will involve one vehicle travelling to and from the site. This concentration equates to 10 movements per day which will likely not cause a significant negative impact on the local highway network”.

The impact of the proposed development on pedestrian and highways safety is a key area of concern which has been expressed by the local community. The Highway Authority is however satisfied that the local highway network is able to safely accommodate the vehicles associated with the development, and subject to conditions to secure a Construction Traffic Management Plan and photographic record of the highway, alongside a scheme to secure future repairs if necessary, there is no objection to the proposed development.

In light of the above, while the construction phase will result in a noticeable increase in vehicular movements on the local road network, it will be temporary in nature and road network is sufficient to accommodate the anticipate volume of movements. As such, subject to the management of the construction phase via appropriate conditions, the proposal would not have an unacceptable adverse impact on highway safety and would not conflict with national or local transportation policies.

#### **f) Whether the scheme would cause harm to protected species and/or their habitats**

Core Policy 50 ‘Biodiversity & Geodiversity’ of the WCS requires all development proposals to incorporate appropriate measures to avoid and reduce disturbance to sensitive wildlife species and habitats throughout the lifetime of the development. The application is therefore supported by a Preliminary Ecological Appraisal and Biodiversity Net Gain Plan by Western Ecology. The site supports modified grassland with sealed surface of low importance and native species-rich hedgerow which will retained. The development will however deliver a 21% net gain in habitat areas (1.0 units) and 32% net gain in hedgerow units (0.40 units).

The Council's Ecologist confirmed that the site is not within any site designated for nature conservation and although there are two Sites of Special Scientific Interest (SSSIs) within 500m of the proposed site, the nature and small scale of the works make the proposal unlikely to result in off-site impacts that could affect the integrity of the SSSIs.

The development has limited potential to have an adverse impact due to the agriculture nature of the land and the Council's Ecologist is able to, following the receipt of further information and the relevant licence in relation to Great Crested Newts, support the application subject to conditions to secure a Construction Ecological Management Plan, limit lighting, and the implementation of the Biodiversity Net Gain Scheme (BNG). The BNG will be well in excess of the national 10% requirement that will become mandatory later this year. The proposed development will therefore comply with the requirements of Core Policy 51 of the WCS.

**g) Whether the proposal would result in the loss of trees and ancient woodland**

Core Policies 51, 52 and 57(i & ii) of the WCS require development proposals to conserve and enhance natural features including trees, hedges and woodland. Saved Policy NE12 of the North Wiltshire Local Plan supports the creation, conservation, enhancement and positive management of woodland. It also seeks to protect areas of ancient and semi-natural woodland. Saved Policy NE14 of the North Wiltshire Local Plan seeks to prevent the loss of trees, hedges and other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

The overall quality and longevity of the amenity contribution provided for by the trees and groups of trees to the north and west of the site would not be adversely affected by the proposed development. The scheme involves significant new planting that will soften and screen the development. The proposal will not result in the loss of any trees and ancient woodland and therefore accords with Core Policies 51, 52 & 57 of the WCS and Saved Policies NE12 and NE14 of the North Wiltshire Local Plan.

**h) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets**

Core Policies 57(i & iv) and 58 of the WCS deal with conservation of the historic environment. The supporting text states that heritage assets include listed buildings, conservation areas, scheduled ancient monuments, registered parks and gardens, registered battlefields, world heritage sites, and non-designated heritage assets such as buildings and archaeological sites of regional and local interest (paragraph 6.136). The policy seeks to ensure that developments protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings are to be conserved, and where appropriate enhanced in a manner appropriate to their significance.

There are no designated heritage assets within close proximity of the site that have the potential to be impacted by the proposed development. The County Archaeologist did however request a geophysical survey which was subsequently submitted. It was then confirmed that sufficient work has been undertaken to characterise the archaeological potential of the application area and that no further form of archaeological mitigation is necessary. The development is not therefore anticipated to harm any designated or non-designated heritage assets and complies with will Core Policies 57 & 58 of the WCS.

**i) Whether the development would result in any other adverse environmental impacts**

Core Policy 67 'Flood Risk' of the WCS requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to the soil and ground (sustainable drainage system) unless site or environmental conditions make these measures unsuitable. The application is supported by Flood Risk Assessment (June 2022) by awp which considers the potential flood risk and presents a surface water drainage scheme.

It is proposed to reprofile the site to provide a suitable development plateau. The regrading will retain watershed catchments and will offer a shallower grade across the site which in turn would

prioritises infiltration (if any) and reduce any residual runoff. The Lead Local Flood Authority requested geotechnical factual and interpretive reports, including infiltration tests in accordance with British Research Establishment (BRE) Digest 365 – Soakaway Design to support the strategy of infiltration beneath the gravel layer and the swale. If infiltration is not feasible then an alternative drainage strategy should be sought.

The applicant subsequently provided further drainage information as part of the Health & Safety Strategy (November 2022) and requested that a full and final drainage scheme be secured via a condition. The Lead Local Flood Authority is satisfied that due to the nature of the development and site area it will be feasible to install a surface water drainage scheme which could be secured via condition. This would ensure that a suitable drainage scheme is designed and implemented in accordance with Core Policy 67 of the Wiltshire Core Strategy.

The applicant's Health & Safety Strategy (November 2022) responds to many of the local concerns raised in relation to the health and safety of the development and in particular the risk of fire. It provides further information in relation to design and ongoing management of the development to prevent and mitigate against the risk of any impacts on the environment.

Dorset & Wiltshire Fire and Rescue Service (DWFRS) advises that they would not object in principle to the lawful development of a Battery Energy Storage System (BESS) or other alternative energy site it is recognised that these installations pose some specific hazards in the event of fire. Any fire involving grid scale Li-ion battery storage would be treated as a hazardous materials incident in order that specialist technical advice can be obtained at the earliest opportunity.

DWFR further advises that current fire safety legislation (in particular, the Regulatory Reform (Fire Safety) Order 2005) is limited in its application to such developments due to the low life risk during normal occupation. Process fire risk is generally regulated by the Health and Safety Executive but in the absence of regulation under the Control of Major Accident Hazards Regulations (COMAH) there is an expectation that fire and rescue services will initiate an emergency response in the event of an incident, in conjunction with the site operator's own plans.

It is advised that research is ongoing to determine the most suitable method to extinguish a fire within Li-ion battery cells although current guidance recommends copious (and significant) volumes of water for a prolonged period. As such, DWFRS provide a series of recommendations to limit the potential for fire and to ensure emergency plans are as robust as possible. The full letter from DWFRS will be appended to any planning permission that may be granted along with guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).

#### **j) Whether the development would have an adverse cumulative impact**

The need to consider cumulative effects in planning and decision making is set out in planning policy. The Overarching National Policy Statement for Energy advises that for nationally significant infrastructure project (NSIP) developments "the considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

- its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits
- its potential adverse impacts, including on the environment, and including any long-term and **cumulative adverse impacts**, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy" (emphasis added) (par 4.1.5).



The material planning considerations would equally apply to any BESS development below 50MW considered by Local Planning Authorities, including any cumulative adverse impacts which would need to be considered within the overall planning balance. The NPPF advises that to help increase the use and supply of and supply of renewable and low carbon energy and heat, plans should “provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)” (emphasis added) (par 160). The WCS requires development considered under Core Policy 47 to assess cumulative effects.

The Planning Practice Guidance advises that “The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero” (Paragraph: 013 Reference ID: 5-013-20150327).

The relevant guidance (Paragraphs: 022 Reference ID: 5-022-20140306 & 023 Reference ID: 5-023-20140306) advises that the cumulative landscape impacts and cumulative visual impacts are best considered separately. The considerations are as follows:-

- **Cumulative landscape impacts** are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change

- **Cumulative visual impacts** concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts

In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.

The Council’s Landscape Officer is of the opinion that the series of individual planning applications seeking planning permission for BESSs is harmfully changing the existing rural character of pastoral farmland into an industrialising urban sprawl radiating outwards from Minety Substation. The Officer explains that “The National Grid’s Minety Substation site (currently) remains a well screened and integrated element of National Grid Infrastructure within this local area. Obviously, the overhead electricity transmission lines and their supporting pylons are visible elements in the countryside leading towards and away from the substation, but the local landscape retains its inherent peaceful pastoral character with important areas of ancient woodland, such as Park Copse and Stonehill Wood, amongst others, surviving remnants of Braydon Forest, a former Royal Hunting Forest. Alongside this, the area has a strong nature conservation value / denoted by the local clustering of SSSI’s and the areas of deciduous broadleaved woodland and areas of neutral/unimproved meadow present in the surrounding landscape. The area is sparsely settled, due to its historic use

as a royal hunting forest and its comparatively more recent enclosure as farmland. The sparse rural settlement, presence of woodland and common land all contributes to this areas inherent rural, tranquil character. The presence of a water tower or the pylons crossing this landscape does not significantly alter the inherent peaceful character of the countryside, but the character of countryside around Minety Substation continues to decline from piecemeal industrialising development radiating outwards”.

The Officer also questions whether the applications for BESSs and Solar PV are the reason why there is a need to extend Minety Substation; there is a “need to understand and establish whether the large number of BESS and solar PV applications in this locality are the drivers for the harmful expansion of Minety Substation, especially as BESS /Solar farm applicants often justify the reason why these developments are being proposed in this local area in the first place is due to National Grid’s available grid connection capacity. If this turns out not to be the case, then the expansion of the substation site itself is a direct effect and consequence of these locally clustering renewable energy generation schemes and energy storage developments”.

National Grid advised as part of its planning application (ref PL/2022/09258) to extend the substation that it had identified the need to extend the existing operational Minety 400kV Substation for a combination of the following reasons:

- Demand growth on the SSE network.
- Connection of embedded generation to SSE network.
- Connection of generation to National Grid network.

Embedded generation includes combined heat and power (CHP) plants, onshore wind, solar farms, and storage devices such as lithium-ion batteries.

National Grid advised it is aware of nine customers connecting directly into the expanded Minety 400kV substation but it is possible that other developments are connecting via the local Distribution Network Operator (DNO). The DNO apply to National Grid for additional capacity which enables an assessment of available and required capacity. National Grid advised that at Minety, this assessment has generated the need for a further SuperGrid Transformer which forms part of application ref PL/2022/09258, and other than the nine customers connecting directly to National Grid whose grid capacity is dependent upon the application, National Grid cannot comment on other planning applications and whether they have secured grid capacity as this would be via the DNO.

The information from National Grid indicates there is a clear demand to increase the capacity of the network as advised by the local DNO. The BESSs are part of National Grid Strategy to strengthen the network but are implemented and operated by third parties such as the applicants of the BESS applications. There is therefore a clear locational requirement for the BESSs adjacent to the Minety substation or within the area where a connection is possible. However, the cumulative impacts of all developments has to be considered and any adverse impacts considered within the overall planning balance.

The current applications for BESSs, as listed below, are supported by Landscape and Visual Assessments and application PL/2022/05504, which is directly adjacent to the substation, includes a Cumulative Impact Assessment (September 2023) by RedBayDesign.

- PL/2022/02824 - Land at Somerford Farm, Brinkworth
- PL/2022/04524 - Land east of Ravensroost Road, Ravenshurst Farm, Minety
- PL/2022/05412 - Land off Dog Trap Lane, Minety
- PL/2022/05504 - Land at Stonehill, Minety, Wiltshire

The Cumulative Impact Assessment is based on data provided by the Council and considers the potential cumulative impact from energy generation / storage developments within a 10km study

area. The assessment considers landscape and visual effects and sets out a clear methodology and criteria for assessing the potential impacts. The report mentions that “Wiltshire Council identified an additional 19 Renewable Energy sites and Minety Substation Extension within 10Km of the application site. Upon undertaking desk top and field study work It was considered that a good number of these schemes would likely not contribute to cumulative effects due to the distances involved combined with the discrete nature of the schemes” (par 5.1). However, the following were subject to a cumulative Landscape and Visual Impact Assessment because the sites are all directly adjacent to the substation and could all be viewed as one cluster of energy related developments:-

- PL/2022/05504
- 20/03528 (Approved) PV Solar
- 19/11460 (Approved) BESS
- 17/03936 (Approved) BESS
- 17/03941 (Constructed 2023) BESS
- 21/04151 (Approved) BESS
- 20/07390 (Approved) BESS
- 22/09258 (Planning) Substation extension

The Cumulative Impact Assessment concludes by stating it is considered that cumulative impact of application scheme [PL/2022/05504] over and above the consented schemes and planned substation extension would have a **Slight Adverse** impact to the landscape character of the study area. This is due to the increased number of this type of development into the area where there is a concentrated number of other consented and constructed schemes. Having said this the opportunities to experience the proposed schemes in isolation is limited and with very limited opportunity to experience two or more schemes at the same time, this being a short section of Public Footpath CHAR 16. Of all the schemes the application site [PL/2022/05504] would be the least noticeable due to its location within a discrete field being located some way from the footpath” (par 5.2).

“Due to the low lying undulating topography and the intervening vegetation there is very little opportunity for inter-visibility between the proposed energy sites. There may be some potential for combination effects along CHAR 16 between the application site, Minety Phase 3, the Solar scheme and the Substation extension, with the application scheme being the least noticeable of the three. From here the contribution of the application site would be negligible” (par 5.4).

The proposed BESSs the subject of this application PL/2022/04524 (Land east of Ravensroost Road, Ravenshurst Farm, Minety) and applications PL/2022/02824 (Land at Somerford Farm, Brinkworth) and PL/2022/05412 (Land off Dog Trap Lane, Minety) are not immediately located adjacent to the Minety Substation and are all isolated. The individual Landscape and Visual Impacts Assessments for each proposal conclude that the development would be well contained within the local landscape due to the topography of the land. The individual Landscape and Visual Impacts Assessments for each proposal conclude that the developments would be well contained within the local landscape due to the topography of the land and natural screening, along with proposed mitigation measures in the form of structural landscaping. The developments would not be located within a sensitive landscape and would not be visible from the same point, and only glimpsed views would be experienced if travelling along the local highway network. It is however considered that the introduction of a number of BESSs within the area, alongside solar photovoltaic developments, will mean they become a notable features within the local landscape, albeit they will not become a defining characteristic of the landscape due to the magnitude of the predicated landscape impacts and the limited range of viewpoints where all developments would be visible from. It is therefore considered that the proposed BESSs developments away from the substation would not have an unacceptable cumulative landscape and visual impact.

## 10. Conclusion

The proposed development is for the installation of a Battery Energy Storage System (BESS) with a capacity of c.50MW. The purpose of the development is to provide standby electricity storage capacity into the local distributive network at peak times to avoid fluctuations and blackouts and can aid in avoiding transmission losses when electricity is transmitted over long distances.

The proposed development would introduce an uncharacteristic industrial form of development on the site which currently forms part of the open undeveloped rural landscape. However, the impact of the proposal from a landscape and visual perspective will be localised and mitigated through a soft landscape design scheme. Furthermore, despite being isolated within the rural landscape, there are locational factors that influence the siting of battery storage facilities, primarily the provision of access to unrestricted network capacity, proximity to a financially viable access to the national grid and point of connection, availability of suitable land and the proximity of a point of access to the highway network. The proposed development meets each of these key considerations with the point of connection to the electricity grid being via the local distribution network west of Ravensroost Road next to the 132KV overhead line.

The proposed battery energy storage facility will make an important contribution to ensuring constant energy is supplied at this time of constraints on new energy generation infrastructure and increasing demand from industry and communities. In addition, battery energy storage will help to provide a key source of flexibility to help address some of the challenges associated with the transition to a low-carbon electricity sector.

The principle of the proposed battery storage facility, associated works and connection point is acceptable at national and local level. The site is not located within any protected landscape, and identified issues of ecology, landscaping, highways and drainage can be satisfactorily addressed by appropriate conditions. There would be a positive public benefit in the form of energy security and the ability to store excess energy and thereby a saving of carbon emissions contributing towards government supported goal of a reduction in such emissions. No unacceptable residential or visual amenity issues would arise. It is acknowledged that the proposed development may be visible to the immediate surrounds in particular from public footpaths, but the existing and proposed planting would reduce the impact of the proposed development. The proposed access and local highway network are capable of accommodating the low level and frequency of construction and operational traffic movements.

There are no objections from any statutory consultees. As such, while there continue to be concerns locally about the impact of the proposed develop and the number of similar development within the area, on balance, significant weight is given to the potential of the development to contribute towards the strengthening of the electricity network and climate change objectives, and due to the lack of conflict with the development plan, it is recommended that planning permission be granted.

## **RECOMMENDATION**

**The recommendation is to grant planning permission subject to the following conditions:**

1. The development hereby permitted shall begin 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. Within six months of commencement of development on the site, a scheme for the decommissioning and restoration of the development shall have been submitted to and approved by the Local Planning Authority. The scheme shall include how the land will be restored back to fully agricultural use (apart from the retention of the planting as a valuable addition to the landscape), upon the development no longer being in operation or upon the

expiry date of 40 years from the date of the development from the date electricity is first stored or distributed to/from the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out within six months of the expiry date of this permission in accordance with the approved scheme.

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

3. The Local Planning Authority shall be notified in writing within one month of the event that the development hereby approved has started to store or distribute electricity to/from the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 40 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

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

4. The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans:

- Drawing. Location Plan by Conrad Energy – ref. 20029-LP-002
- Drawing. Proposed Site Layout Plan by Conrad Energy – no. 20029-PP-004-F (1:200) and 20029-PP-005-B (1:500)
- Drawing. Amenity Cabin – ref. CEL-STD-AC-540\_-40' AMENITY CABIN -AS-(A3)
- Drawing. Acoustic fence – ref. CEL-STD-AF-731\_Acoustic Fence-(A3)
- Drawing. Battery Unit – ref. CEL-STD-BATT-RSU-375\_GE-Battery Unit\_A3
- Drawing. Inverter Unit – ref. CEL-STD-BATT-INV-380\_GE Inverter\_A3
- Drawing. Security Camera – ref. CEL-STD-CCTV-800\_ Security Camera-(A3)
- Drawing. Palisade Fence and Gate – ref. CEL-STD-PF-G-700\_Palisade Fence and Gate-(A3)
- Drawing. DNO Substation – ref. CEL-STD-132kV-203\_ 132kv Substation (A2)
- Drawing. Switchroom – ref. CEL-STD-SW-135\_Switchroom (A3)
- Drawing. Auxiliary Transformer – ref. CEL-STD-TX-165\_Auxiliary Transformer-(A3)
- Drawing. Landscape Planting/Mitigation Plan – ref. SPP07-F Mitigation Plan
- Drawing. Preliminary Drainage layout – ref. 1292-01-Prelim Drainage Layout-1001-C

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

5. Notwithstanding the details shown on the approved plans, no development shall commence on site until details of the materials, colour and finish of any built structures and containers, poles, fencing, gates etc., 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 first brought into use and retained as such for the lifetime of the development.

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

NOTE: The use of neutral earth tone colours for elevational building / container treatments (including roof materials) and security fencing is important in this rural area. The use of white or light-coloured materials / finishes on containers and battery storage units or other infrastructure elements must be avoided, set against dark landscape backdrops of woodland and trees etc.

6. Notwithstanding the details shown on the Landscape Planting/Mitigation Plan (ref. SPP07-F Mitigation Plan), no development shall commence on site until an updated 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. location and current canopy spread of all existing trees and hedgerows on the land;
- b. full details of any to be retained, together with measures for their protection in the course of development;
- c. a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- d. means of enclosure, including perimeter fencing recommended within the approved Noise Assessment;
- e. car park layouts;
- f. other vehicle and pedestrian access and circulation areas;
- g. all hard and soft surfacing materials;

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 a satisfactory landscaped setting for the development and the protection of existing important landscape features.

NOTE: The updated and final scheme of hard and soft landscaping should address the recommendations of the Council's Landscape Design Officer as detailed within the original consultation response dated 26.07.2022.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the date electricity is first stored or distributed to/from the Grid or the full 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 use 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.

8. The development hereby permitted shall be carried out in full accordance with the recommendations, mitigation measures, and enhancement measures detailed within the Preliminary Ecological Appraisal (November 2021) and Biodiversity Net Gain Plan (May 2022) by Western Ecology and shown on the Mitigation Plan (ref. SPP07-F).

REASON: To mitigate against the loss of existing biodiversity and nature habitats and secure enhancements.

9. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Ecological 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 great crested newts.

- c) 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.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) 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.

10. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
- a. Description and evaluation of features to be managed;
  - b. Landscape and ecological trends and constraints on site that might influence management;
  - c. Aims and objectives of management;
  - d. Appropriate management options for achieving aims and objectives;
  - e. Prescriptions for management actions;
  - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over an 25 year period);
  - g. Details of the body or organisation responsible for implementation of the plan;
  - h. Ongoing monitoring and remedial measures;
  - i. Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full 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, to ensure adequate protection, mitigation and compensation for protected species, and to ensure successful establishment and management of new mitigation planting proposals and the appropriate future management of retained hedgerows and woodland areas necessary to maintain a satisfactory landscape screening function for the life of the development.

11. The noise attenuation scheme detailed in the Noise Assessment (27 June 2022) by Inacoustic and shown on drawing ref. CEL-STD-AF-731\_AcousticFence shall be implemented prior to the date electricity is first stored or distributed to/from the Grid and thereafter for the lifetime of the development.

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

12. A post installation noise assessment shall be carried out within 3 months the date electricity is first stored or distributed to/from the Grid or full completion of the development, whichever is the sooner to confirm compliance with the submitted Noise Assessment (27 June 2022) by Inacoustic and submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented thereafter for the lifetime of the development.

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

13. Notwithstanding the details shown on the approved plan, 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 details have been submitted to and approved in writing by the Local Planning Authority. Illumination levels shall not exceed those specified for Environmental Zone E2 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)". 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.

14. No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
  - 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. Details of vehicle routing to the site (which should avoid Cricklade)
  - vi. Detailed site logistics arrangements;
  - vii. Details regarding parking, deliveries, and storage;
  - viii. Details of the measures to control the emission of dust, dirt and noise during construction;
  - ix. 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
  - x. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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.

15. No development shall commence until a pre-construction highway photographic survey to be carried out for a length of 150m north and 150m south of the access to the proposal site has been carried out. Upon completion of the construction phases, a post construction survey shall be carried out at the same location. Details and results of both before and after survey shall have been submitted to the Council as the Highway Authority within 3 months of the first



operation of the development. Those submitted details and results shall be accompanied by a plan and timing schedule for the repair of any damage identified and attributable to the construction of the development, to be carried out at the expense of the applicant, which shall have been agreed in writing with the Local Planning Authority beforehand.

REASON: To secure a scheme for the repair of the public highway following completion of substantive construction works

16. The development hereby permitted shall not store or distribute electricity to/from the Grid until the first 10m of the access, measured from the edge of the carriageway has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter for the lifetime of the development.

REASON: In the interests of highway safety

17. Notwithstanding the contents of the Flood Risk Assessment (June 2022) by awp, no development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / gravel areas), incorporating sustainable drainage details together with permeability test results to BRE365 and showing in improvement in discharge rate from the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not store or distribute electricity to/from the Grid until surface water drainage has been constructed in accordance with the approved scheme.

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

NOTE: The Lead Local Flood Authority advises:-

- Any buildings FFL should be set 150mm above the 100yr + cc flood level.
- The surface water drainage strategy should demonstrate that:
  - The 1 in 30 year rainfall event is contained within the drainage system without causing flooding to any part of the site.
  - The 1 in 100 year plus climate change rainfall event does not cause flooding to any building (including a basement) or utility plant
  - The site has been designed to ensure that flows in excess of the 1 in 100 year rainfall event are managed in exceedance routes that minimise the risks to people and property

18. No development shall commence on site until details of the drainage arrangements during the construction phase have been submitted to and approved in writing by the Local Planning Authority.

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

#### INFORMATIVE

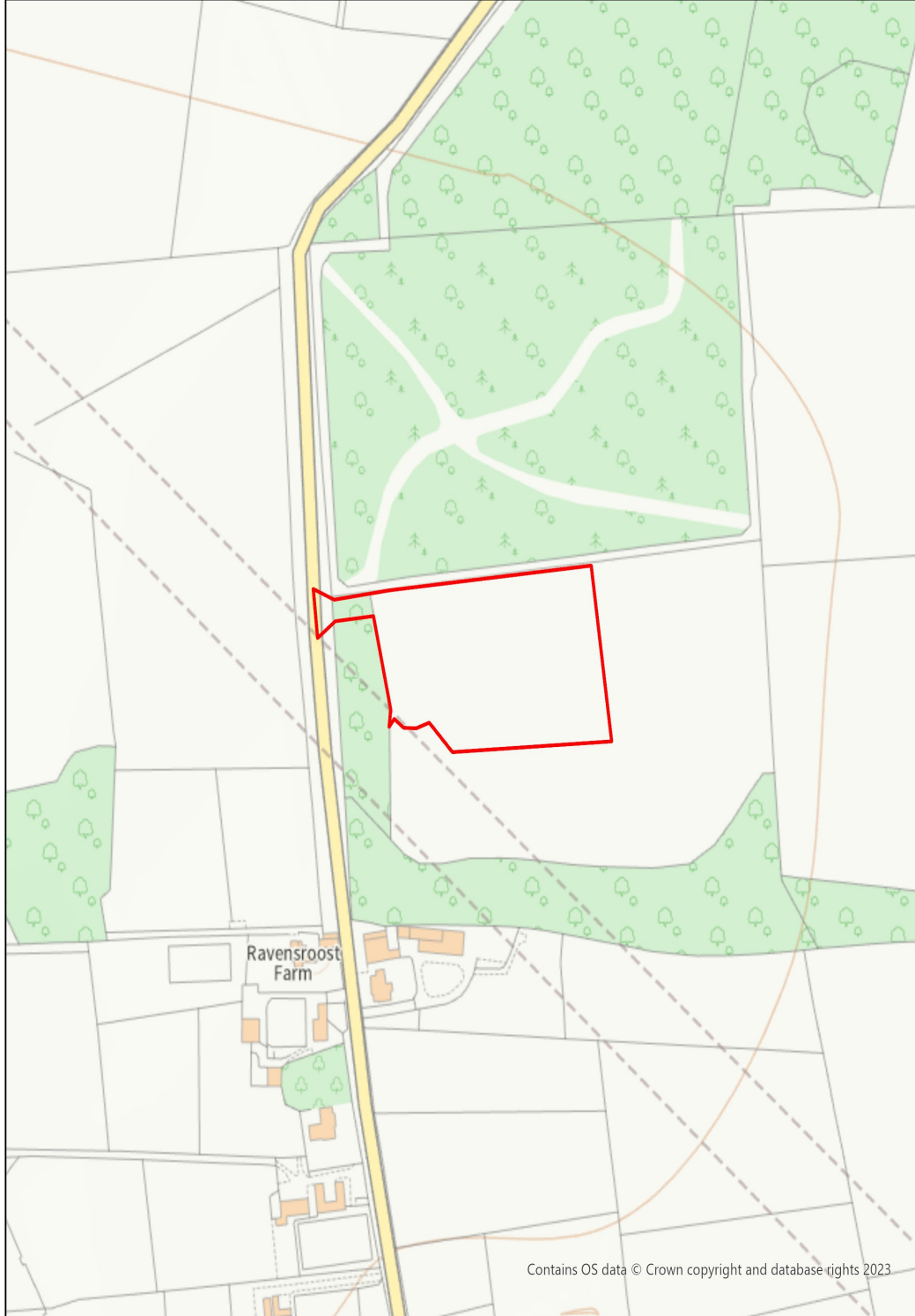
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

#### INFORMATIVE

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

#### INFORMATIVE

The attention of the applicant is drawn to the recommendations made by the Dorset and Wiltshire Fire and Rescue Service as outlined within their consultation response to the application, dated 16 December 2022, and the guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).



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## REPORT FOR PLANNING COMMITTEE

<b>Date of Meeting</b>	
<b>Application Number</b>	PL/2023/03501
<b>Site Address</b>	Land Near Minety Substation, Minety, Wiltshire, SN16 9DX
<b>Proposal</b>	Variation of condition 3, 4, 5, 6, 7, 11 & 20 of 20/03528/FUL -To allow modifications to the approved layout, increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters, alterations to location of vehicular access,
<b>Applicant</b>	JBM Solar Projects 14 Ltd
<b>Town/Parish Council</b>	CHARLTON AND HANKERTON
<b>Electoral Division</b>	Brinkworth – Councillor Elizabeth Threlfall
<b>Grid Ref</b>	400081 189923
<b>Type of application</b>	Full Planning Permission
<b>Case Officer</b>	Adrian Walker

### Reason for the application being considered by Committee

The application has been called-in by the Division Member (Brinkworth Division) Elizabeth Threlfall (on the 25 May 2023) for the following reasons - ‘scale of the development’, ‘visual impact on surrounding area’, ‘relationship to adjoining properties’, ‘design’ and ‘environmental/highway impact’. It was also stated that the “cumulative effect of expanded large renewable energy scheme in an area where there are several other permitted or being applied for” needs to be considered.

#### 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 to grant planning permission (to vary planning permission reference 20/03528/FUL).

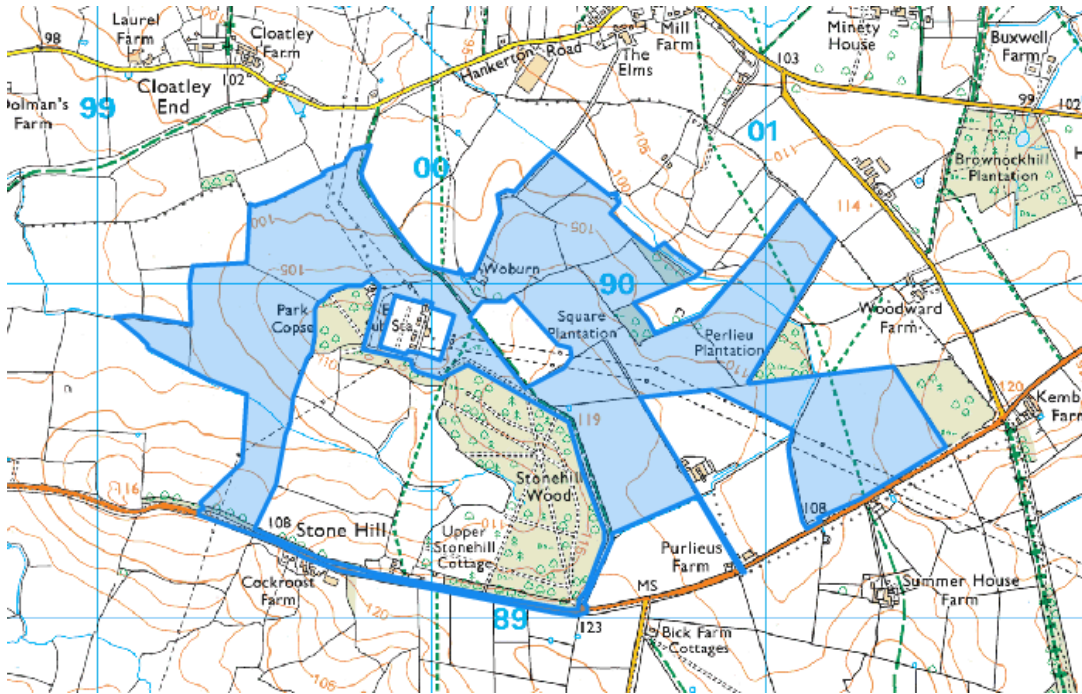
#### 2. Report Summary

Section 73 of the Town and Country Planning Act 1990 (as amended) enables applications to be submitted to materially amend a planning permission by varying or removing conditions of the permission. The Planning Practice Guidance confirms there is no statutory limit on the degree of change permissible to conditions under section 73, but the change must only relate to conditions and not to the operative part of the permission. (Paragraph: 013 Reference ID: 17a-013-20230726).

The main issue for consideration is whether the proposed amendments to the conditions of planning permission reference 20/03528/FUL should be granted. The principle of development cannot be reconsidered.

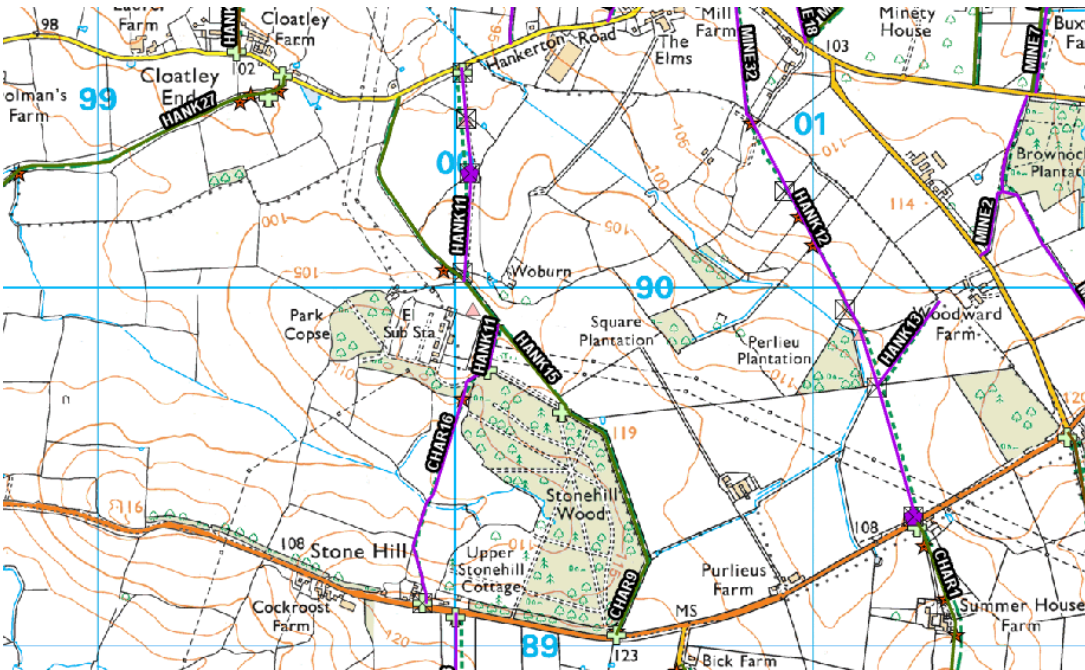
### 3. Site Description

The site is located on the north side of the B4040 and is split into two landholdings, either side of the existing National Grid Minety sub-station. The site extends to approximately 110 hectares and comprises a collection of average size fields enclosed by trees, hedges and woodland. Access to the sub-station is via a 1.1 km private road from the B4040, and there are two existing site entrances to the south-west and south-east.



**Application site – shaded blue**

The land in this area is undulating and there are three public rights of way crossing the site (footpaths HANK11 & HANK12 and bridleway HANK15/CHAR9).



**Rights of Way**



The site borders Stonehill Wood and Park Copse, which are both designated as County Wildlife Sites and ancient woodland. The site also borders Cloatley Farm SSSI and Emmett Hill Meadows SSSI to the north and north-east respectively. There is a large number of protected species records in this area, which includes various species of bats.

The site is in an area of archaeological potential and the closest listed building is the Milestone on Minety Road which is Grade II listed. There are also two Grade II listed buildings situated to the north (Dolman's Farmhouse and Cloatley End Farm).

The site lies in Flood Zone 1 on the Environment Agency's Flood Map for Planning, where there is a low risk of flooding. The majority of the site is at low risk of surface water flooding in the 1 in 100-year design scenario, with some localised streaming.

#### **4. Relevant Planning History**

Planning permission, reference 20/03528/FUL, was granted on the 07 April 2022 for the installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure.



***Approved Site Layout***

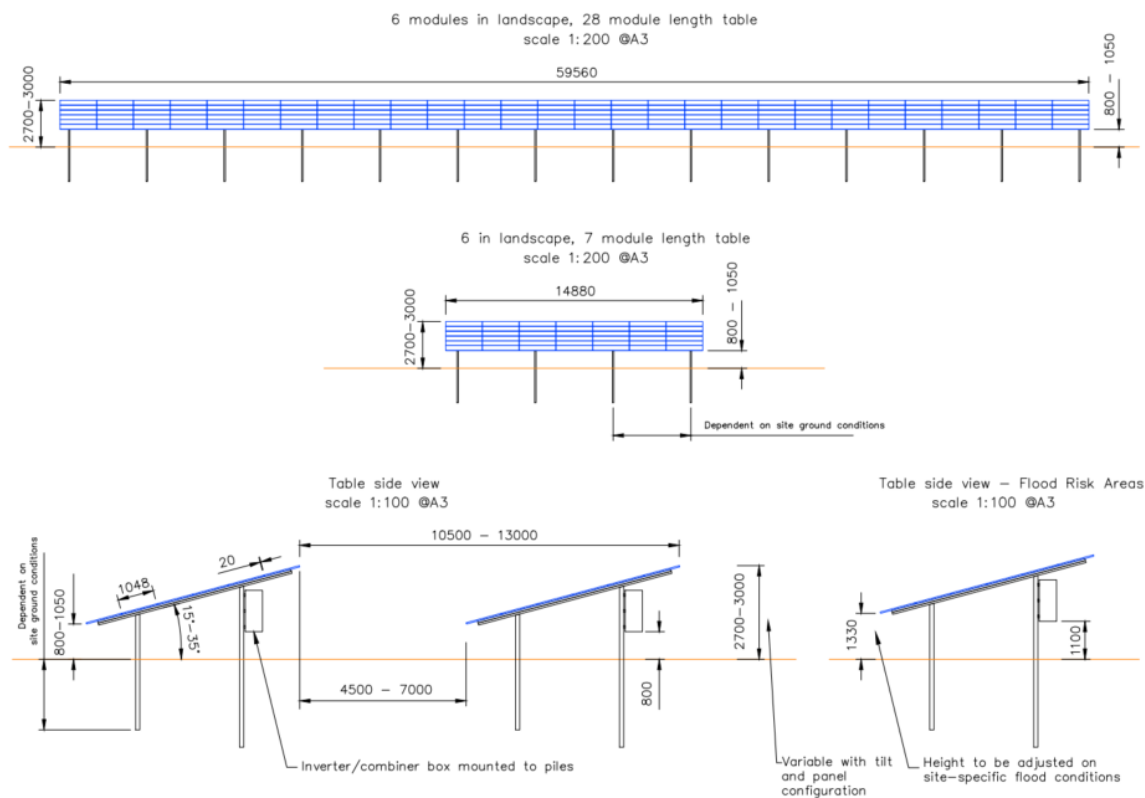
The approved site plan above shows the extent of the approved renewable energy scheme which comprises of ground mounted photovoltaics with ancillary equipment including provision for battery storage on land near Minety sub-station. The ground mounted solar park and battery storage compound would have a maximum design capacity of up to 50 megawatts (MW). Both the solar and battery elements would have an operational lifespan of 40 years.

The point of connection to the electricity grid would be at the adjoining Minety sub-station.

The solar PV panels would be fixed to metal frames, laid out in rows across the site in an east/west orientation and face to the south at between 15 and 35 degrees from the horizontal. The maximum top height of the solar panels would be 3 metres and the minimum standard height of the lowest part would be 0.8 metres, except in identified flood risk areas where the minimum height would be 1.3 metres. Stock proof fencing would be erected, and a CCTV system would be mounted on poles at intervals along the inside edge of the fencing.

The approved battery compound would be located to the east of the National Grid sub-station. It would comprise 12 containerised battery units (measuring 12.5m by 2.7m and 2.6m in height) and 4 ancillary cabinets (measuring 6.4m by 3.5m and 3.1m in height).

The proposed central point of access is via the T-junction that serves the existing Minety sub-station. The various field enclosures would be linked by internal access tracks of permeable construction.



**Typical PV table details**

Application reference PL/2022/07101 is also relevant to the assessment of the current proposal. It was for the discharge of conditions 4,5 and 6 of planning permission 20/03528/FUL (Installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure). The application was approved 20 October 2022 and related to the following matters:-

- Condition 4 - infiltration testing and soakaway design
- Condition 5 - drainage arrangements during the construction phase
- Condition 6 - scheme for the discharge of surface water



## 5. The Proposal

The application seeks planning permission to vary the conditions of planning permission reference 20/03528/FUL in order to secure amendments to the layout of the approved development. The amendments relate to a reduction in the extent and amount of solar panels, the introduction of battery storage units, and a proposed change to the access strategy.

The Planning Statement (April 2023) by Pegasus provides a detailed overview of the proposal and provides the following summary:-

*1.4. The applicant is now proposing modifications to the layout of the approved scheme following an increase to the import capacity being granted.*

*1.5. The layout has therefore been refined to accommodate additional battery storage units and ancillary equipment, increasing from 12no. battery units with 16no. localised inverters (as originally permitted) to 22no. battery units and 19no. containerised inverters. The revised proposal utilises a DC coupled arrangement, requiring the battery units to be evenly distributed throughout the site as opposed to clustered in a central location (as originally permitted).*

*1.6. In addition to the above, the applicant is now seeking a change to the proposed access strategy for the Eastern Parcel of the Site. Vehicular access to the eastern parcel of the site during the construction phase of development is now proposed via the existing gated field access with the B4040, located approximately 655 metres to the west of the Dog Trap Lane junction. This proposed access is to be provided in addition to the two existing access points (known as 'the main access' and 'western access'), consented as part of the existing planning permission. The proposed access is understood to be trafficked by large HGV's and relatively slow moving agricultural vehicles.*

*1.7. National Grid (NG) has recently submitted a planning application (ref PL/2022/09258) seeking permission for an extension to the existing Minety substation. These works require land within the Minety solar and battery farm site. As a result of the NG proposals, a change (reduction) to the original solar and battery farm application boundary is required.*

*1.8. Accordingly, this application submission seeks to vary the following elements of the planning permission 20/03528/FUL, including the variation of the following conditions:*

- Variation of approved plans, listed under Condition 3 (Approved Plans & Documents);*
- Variation of details secured under Condition 4 (Soakage Testing);*
- Variation of details secured under Condition 5 (Construction Phase Drainage);*
- Variation of details secured under Condition 6 (Surface Water Drainage Strategy);*
- Discharge and Variation of details secured under Condition 7 (Construction Traffic Management Plan);*
- Variation of details secured under Condition 11 (Western Access Visibility Splays)*
- Variation of details secured under Condition 20 (Soft Landscaping)*
- Variation of details secured under Condition 24 (Noise Rating Level)*

The applicant provided further information during the assessment to the application in response to the comments made by Hankerton Parish Council which are detailed below. The applicant stated that "once built, the Minety Solar Farm will be managed by RWE (who has recently purchased JBM Solar). RWE has a strong track record in building and operating BESS in Europe, Australia and the Americas for more than six years. Once commissioned, the BESS will be maintained and operated by skilled RWE personnel, ensuring that the system is in optimal

condition and that all parts of the system are fully serviced and functional at all times. Regular maintenance will be undertaken on the BESS equipment, and this typically involves checking connections, inspections from the transformer down to the module level along with visual inspection and rectification of any accumulated noncritical defects”.



**Proposed Site Plan**

## 6. Planning Policy

### National Planning Policy Framework (NPPF)

Wiltshire Core Strategy 2006 – 2026, with particular regard to:

- Core Policy 42 Standalone Renewable Energy Installations
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development
- Core Policy 62 Development impacts on the transport network
- Core Policy 67 Flood Risk;

### North Wiltshire Local Plan 2011 (Saved Policies)

- Policy NE12 Woodland (saved North Wiltshire Local Plan policy);
- Policy NE14 Trees and the control of new development (saved North Wiltshire Local Plan policy);
- Policy NE18 Noise and pollution (saved North Wiltshire Local Plan policy).

**Planning Practice Guidance** for Renewable and Low Carbon Energy (published 18 June 2015 / updated 14 August 2023).

Government policy for delivery of major energy infrastructure:-

- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for the Electricity Networks Infrastructure (EN-5)

## **7. Consultations**

The application has been subject to consultation and publicity; the most recent response from each consultee is summarised below:

**Environment Agency** – No observations.

**Natural England** – No observations.

**Historic England** – No observations; “Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application”.

**National Grid** – No observations; “There are no National Gas Transmission assets affected in this area”.

**Dorset & Wiltshire Fire and Rescue Service** – No observations..

**Council Archaeology** – No objection; “No further observations”.

**Council Conservation Officer** – No objection.

**Council Highways Department** – No objection, subject to the conditions to secure a full and final Construction Traffic Management Plan.

**Council Rights of Way Officer** – No observations; “I have no additional comments to make”.

**Council Ecologist** – No observations.

**Council Landscape Officer** – No objection: “I don't object to the proposed minor alterations and changes now included on the revised landscape masterplan, but I would just question why the red line application boundary has now been altered to include the area of the proposed Minety substation extension itself (subject to a separate live planning application) without any explanation from the planning consultant for this? Is this application directly linked to that separate application?” (the applicant subsequently responded via email on the 23 July 2023 clarifying the red line site area is reduced rather than increased [as explained further below]).

**Council Arboricultural Officer** – No observations.

**Council Drainage Officer** – No objection.

**Council Public Protection Officer** – No objection; “The Acoustic Report by Ion Acoustics (A1579 R02b) has been read and findings noted. Although it is appreciated the residential receptor detailed as AL1 is financially associated with the proposed site (‘AL1 is occupied by the

landowner of the development and they financially benefit from the scheme'), this does not protect future occupiers should/ when occupancy changes.

Mitigation detailed as per section 4.2 of the report is to be provided and verified by an acoustic consultant. This mitigation is to ensure the development rated noise level can meet the criteria in the condition".

**Charlton Parish Council** – No objection.

**Hankerton Parish Council** – Objection; "Hankerton PC objects to this planning application -

1.This application seeks a near doubling of the approved battery capacity (12 battery units to 22 battery units). However, there does not seem to be any mention of the MW output or the MWh (MW x the time that the power can be sustained). This installation could produce at least 50MW, or probably something over 50MWh as peak power should be possible for over one hour. However, the cumulative battery power around the Minety substation given the list of approved applications could be about 350MW, or up to 525MWh (equivalent to 350MW for 1.5 hours). The planners should be reminded of the scale of storage capacity that they have now approved at a single location through multiple applications.

2.The largest BESS currently operating in Europe is claimed to be Harmony Energy's site at Pillswood, adjacent to National Grid's substation at Creyke Beck near Hull, where 78 Tesla battery units produce 200MWh This recent video gives some impression of the scale (<https://www.youtube.com/watch?v=BiNlqPJ5As8&t=41s>) Minety having, say, 350MW could be good for 525MWh, or. 2.6 times larger than Pillswood. It is interesting that the Tesla batteries at Pillswood are LFP (Lithium Ferrous Phosphate) which is safer and a change to the battery chemistry which Tesla deployed at the Victoria Big Battery (212 battery units of 300MW and 450MWh in total) in Australia which caught fire. Most EVs now being produced are powered by LFP batteries.

3.The multiple battery applications around Minety from different developers give no hint as to ownership, battery chemistry, installation contractor, and the several other parties involved in the operation of BESS installations. Does the potential of multiple owners and operators raise the risk of an incident occurring on the total site? In the event of a fire, is there sufficient access to the point of fire and is there sufficient water to suppress a fire, albeit that water is unlikely to extinguish a fire? What is the plan to replace the batteries within the 40 year life of the projects? These are all reasonable questions that a community might ask but nobody seems prepared to answer them with respect to the total BESS site at Minety.

4. PL/2022/09258 has yet to be pass through planning ,and it is asking for an extension of the existing substation, installation of transformers and a switchroom by National Grid at the main Minety substation. There is also 20/08618/FUL, the Five Lanes solar farm which is asking for a permanent new sub station to be built on a new location in Upper Minety. Will these substation installations grow further enabling the enormous battery capacity ?

5. It is also the responsibility of the Council to heed the most recent Bill through Parliament from Dame Marie Miller (Lithium-Ion Battery Storage - Fire Safety and Environmental Permits) ensuring more robust safety measures and further environmental criteria".

## **8. Publicity**

The application has been subject to publicity and as a result three letters have been received from local residents objecting to the application on the following grounds:-

1. The proposed development would impact on the safe equestrian use of off-road routes in Wiltshire. The noise of the inverters constitute an obstruction to the safe use of the route by horse riders if not fitted with noise reduction kit.
2. The proposed development would result in a level of noise that would disturb wildlife and the amenity of local residents. There should be a limit on the amount of noise emitted from the site and ongoing monitoring, along with the consideration of cumulative impact.
3. The development is of a scale that is too large for the area and since it was first allowed there is growing concern about the safety of these batteries. It is considered that the industrialisation of the countryside has always been about profit, this scheme is an obscene demonstration of greed triumphing over nature.

## **9. Planning Considerations**

### **a) Environmental Impact Assessment**

The Planning Practice Guidance clarifies that a section 73 application is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment (EIA) Regulations. Where the development is of a type listed under Schedule 2 to the 2017 EIA Regulations, and satisfies the criteria or thresholds set, a local planning authority must carry out a new screening exercise and issue a screening opinion as to whether EIA is necessary. Furthermore, where an EIA was carried out on the original application, the planning authority will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations (Paragraph: 016 Reference ID: 17a-016-20140306).

In terms of the background to the EIA screening opinion, on the 28 February 2020, the applicant requested a Screening Opinion, under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), for the provision of a 49.9MW solar farm occupying c. 74 ha of land adjacent to Minety Substation (20/01791/SCR). The purpose of the request was to determine whether the proposed development, as described, would be likely to have significant effects on the environment and therefore require an assessment. The Council was unable to adopt a screening opinion by 27 April 2020, when the an application for planning permission was made (reference 20/03528/FUL). The description of the proposal in the application differed from that in the request for a screening opinion, and an environmental statement was submitted with the application regardless of any screening opinion. Consequently, the request for a screening opinion was withdrawn on 4 May 2020.

The Council determined that the Environmental Statement accompanying application 20/03528/FUL meet the requirements of the Regulations (Regulation 18). It was however noted that the Local Planning Authority is required to take account of “the environmental statement, including any further information and any other information, any representations made by any body required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development”, when considering whether planning permission should be granted (Regulation 26).The environmental effects of the development were considered and planning permission subsequently granted.

This current application is supported by an Environmental Statement Review report (April 2023) by Pegasus. It outlines that “This statement sets out a detailed review of the amendments proposed under cover of this S73 application against the environmental effects assessed within the Environmental Statement approved under the original planning application. It is clearly demonstrated that the proposed variations would not constitute 'EIA Development' for the purposes of the EIA Regulations and would not give rise to any significant effects not previously set out within the original ES; or any materially different effects when compared to the original ES.

For these reasons, amendments proposed under cover of this S73 Application are not accompanied by a revised Environmental Statement” (par 4.3).

Schedule 2, Column 13 of the EIA Regulations relates to ‘changes and extension’ of development already authorised. The applicable threshold and threshold to determine whether a development is EIA development is whether “The development as changed or extended may have significant adverse effects on the environment”. It is agreed that the Environmental Statement Review sets clearly sets out why the proposed amended development would not give rise to any significant effects not previously considered. The environmental impact of the proposed development must however be considered fully as part of the planning application as outlined below.

#### **b) Whether the proposal amendments are considered acceptable**

The application includes a revised red line site boundary, however, as explained within the Planning Statement, the red line area reduces the total area of the application site, removing the area of land around the existing electricity distribution station (southeast of Park Copse) because it is the subject of a separate planning application by National Grid (Ref PL/2022/09258) and also now removes the area granted permission (Ref 17/03941/FUL) for a separate battery storage development (which was originally ‘greyed out’ in the original application). No tree or hedgerow removal or mitigation measures were proposed in the areas removed from the red line (par 3.17).

The changes proposed within the red line site boundary include an increase and the redistribution of battery units throughout the site and as a result the rearrangement of solar panels (there would be no increase to the overall output of the development). These proposed alterations are supported by the relevant technical assessments, which include a Drainage Technical Note (March 2023) by calibro and a Noise Assessment (March 2023) by ion Acoustics, and updated plans, including an updated Landscape Masterplan. The Council’s Landscape Officer, Public Protection Officer and Drainage Officer have all reviewed the application and have no objection to the proposed revised development, subject to the implementation of the proposed schemes and associated mitigation measures.

The application also seeks to secure permission to gain vehicular access to the south eastern parcel of the site during the construction phase of development via the existing gated field access with the B4040, located approximately 655 metres to the west of the Dog Trap Lane junction. The application proposed improvements to the access arrangements and is therefore supported by a detailed Construction Traffic Management Plan (CTMP) (April 2023 updated July 2023) by Pegasus and an Arboricultural Impact Assessment (March 2023) by Barton Hyett Associates. The Highway Authority has no objection to the proposed access strategy but does requests and updated CTMP once a contractor has been appointed so full, final and precise details can be submitted for approval, along with amendments to the construction traffic routing proposal to ensure HGV traffic avoids being routed through Cricklade via the A419 unless guarantees can be provided that minimal trips will not result in a ‘convoying’ of HGVs through the centre of Cricklade.

#### **10. Conclusion**

The application seeks to vary solar photovoltaic and battery storage scheme permitted under planning permission reference 20/03528/FUL in order to secure minor material amendments to the layout of the development, including an increase to the number of battery storage units, and the access strategy.

The principle of development has previously been established and cannot be revisited as part of this current application. However, the time limit to implement the approved development cannot be altered as part of this application. As such, should planning permission be granted under this application (a minor material amendment application under section 73 of the Town and Country

Planning Act 1990) it would sit alongside the original permission, which remains intact and unamended.

The amendments currently proposed will not result in any environmental impacts not previously considered and this application demonstrates that the additional impacts, such as noise pollution and visual impacts, associated with the revised proposal will not be unacceptable subject to the implementation of the proposed mitigation measures. No statutory consultees have objected to the application therefore it is recommended that planning permission to amend planning permission 20/03528/FUL be granted by updating its conditions as follows:

**Condition 3:** The conditions lists the approved details and plans and would need to be varied to refer the updated and most recent plans and documents:-

3. The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans, drawings and documents:
  - **Site Location Plan – RL-J082-1**
  - **Minety PV Layout - 21 April 2023**
  - **Landscape Masterplan – P19-2270\_13 Rev. N – 29 March 2023**
  - Construction Compound – 15 November 2021
  - Typical PV Table Details Rev. A – 3 June 2021
  - Typical Trench Sections Details Rev. A – 6 April 2020
  - Typical Spares Container Details Rev. A – 6 April 2020
  - Typical Battery Storage System Details 1 Rev. A – 6 April 2020
  - ~~Typical Battery Storage System Details 2 Rev. A – 6 April 2020~~
  - **Typical Battery Station Linear Rev A 21 April 2023**
  - Typical Customer Switchgear Details Rev. A – 6 April 2020
  - Typical Inverter Substation Details Rev. A – 6 April 2020
  - Typical Fence, Track & CCTV Details Rev. A – 6 April 2020
  - **Arboricultural Impact Assessment Rev. A– March 2023**
  - **Noise Assessment for Planning – Acoustics Report A1579 R02b – 23 March 2023**

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

**Conditions 4, 5 & 6:** The conditions require the submission and approval of infiltration testing and soakaway design, drainage arrangements during the construction phase, and a scheme for the discharge of surface water.

The conditions were discharged as part of Discharge of Condition application reference PL/2022/07101 as mentioned above. The current application is supported by an updated Drainage Technical Note (Version 2 / 16 March 2023) by calibro which is approved by the Lead Local Flood Authority.

The requirements of conditions 4, 5 and 6 have therefore been satisfied but the approved surface water scheme will need to be implemented in accordance with the approved details. It is therefore recommended that the conditions be removed and replaced by the following single condition:-

**The development hereby permitted shall be carried out in accordance the submitted and approved Drainage Technical Note (v2, dated 16 March 2023), Flood Risk Assessment (v5, dated August 2020) and FRA Addendum (v2, dated August 2020).**

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

**Condition 7:** The conditions specifies that notwithstanding the contents of the Construction Traffic Management Plan (April 2020) by Pegasus Group, no development shall commence on site (including any works of demolition), until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. While the CTMP has been updated (now July 2023), the Highway Authority requires certain amendments and a final version once a contractor is appointed. The condition should therefore remain but updated to address the specific requirements of the Highway Authority.

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

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

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

**Conditions 8, 10 & 11:** The conditions require the proposed access points to be laid out as shown and the visibility splays for the western and central accesses to be provided in accordance with the approved details prior to the commencement of the development. The Construction Traffic Management Plan (CTMP) (July 2023) by Pegasus provides detailed plans of the access arrangements and it is therefore recommended that the condition be updated to refer to the approved details. The Highway Authority advised the same will be needed for the new eastern access currently proposed and the existing central access point. It is also recommended that the first 15m of the accesses be consolidated and surfaced prior to use, and their removal following the end of the construction period. The following wording is recommended:



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

**REASON: In the interests of highway safety.**

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

**REASON: In the interests of highway safety.**

**Condition 20:** The condition requires the implementation of the soft landscaping scheme. The condition needs updating to refer to the latest drawing submitted as part of this current application:

All soft landscaping comprised in the approved details of landscaping, as shown on the Landscape Masterplan drawing no. P19-2270\_13 Rev. ~~J~~ **Rev. N**, shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

**Condition 24:** The condition requires the noise levels to be generated by the development to be no greater than the noise levels predicted within the approved Noise Assessment. The condition needs updating to refer to the updated Noise Assessment. It also needs updating to secure the mitigation measures within section 4.2 of the report, as required by the Council's Public Protection Officer, which will also need to be verified by an acoustic consultant. The latter will therefore need to be secured via an alternative condition which requires monitoring during the operational phase of the development:

**The mitigation measures detailed within section 4.2 of the Noise Assessment (March 2023) report by Ion Acoustics shall be implemented and the noise rating level (BS4142:2014) of plant shall be no more than those specified in Table 43-7 & 8 of the Noise Assessment; A1579 RO2b during daytime (0700-2300hrs) and during night-time (2300-0700hrs) at all residential receptors..**

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

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

**Reason: To protect local amenity from adverse effects of noise.**

## **RECOMMENDATION**

**The recommendation is to grant planning permission subject to the following conditions:**

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

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

2. The permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 44 years from the date of this decision, whichever is the soonest. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be submitted to the local planning authority not less than six months before the removal of the installation.

REASON: In the interests of amenity and the circumstances of the use.

3. The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans, drawings and documents:
  - Site Location Plan – RL-J082-1
  - Minety PV Layout - 21 April 2023
  - Landscape Masterplan – P19-2270\_13 Rev. N – 29 March 2023
  - Construction Compound – 15 November 2021
  - Typical PV Table Details Rev. A – 3 June 2021
  - Typical Trench Sections Details Rev. A – 6 April 2020
  - Typical Spares Container Details Rev. A – 6 April 2020
  - Typical Battery Storage System Details 1 Rev. A – 6 April 2020
  - Typical Battery Station Linear Rev A 21 April 2023
  - Typical Customer Switchgear Details Rev. A – 6 April 2020
  - Typical Inverter Substation Details Rev. A – 6 April 2020
  - Typical Fence, Track & CCTV Details Rev. A – 6 April 2020

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

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

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

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

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

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

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

8. Prior to the use of the western (proposed) and eastern (proposed) access points by construction traffic, they shall be laid out and constructed in accordance with the details provided within the Construction Traffic Management Plan (Dated July 2023 / Revision A) and shown on Figures 3.1, 3.2 & 3.3). Furthermore, the first 15 metres of the accesses measured

from the edge of the carriageway, shall be consolidated and surfaced (not loose stone or gravel). The accesses shall be maintained as such thereafter during the construction period.

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

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

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

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

12. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a finalised Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the

Local Planning Authority. The CEMP shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a) Details of all mitigation measures and identification of ecological protection areas/buffer zones and tree root protection areas as well as details and specification of physical means of protection, e.g. temporary fencing to demarcate buffer zones such as the zone of at least 15m in width between the construction compound and hedgerow and buffer zone of 20m between the site and adjacent SSSIs. Details of specific measures such as gaps in fencing to avoid causing harm to biodiversity features should also be stipulated. Measures should be illustrated on a plan (this could comprise the EMEP).
- b) Details and timing of any update surveys required pre-commencement of works on site such as for badgers.
- c) Precautionary working method statements, including the restrictions to the timing of such works, such as sensitive vegetation clearance method in respect of birds.
- d) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts and bats; this should comprise the pre-construction/construction related elements of strategies only.
- e) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors, and stipulation of work activities to be overseen by a licensed ecologist and/or ecological clerk of works (ECoW).
- f) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- g) Schedule for compliance checks to be completed by a competent person(s), likely the ecologist/ECoW, prior to, during and post-completion of construction works.
- h) A compliance report must be provided to the local planning authority within four weeks of the end of construction and the report shall include photographic evidence.

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

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

13. Within four weeks of the end of the construction phase a compliance report shall be submitted to the local planning authority. The report shall detail all works overseen by the ecologist/ECoW and all compliance checks undertaken by the aforementioned competent person prior to, during and post-completion of construction works. Associated dates of visits to site shall be stipulated in the compliance report and photographic evidence shall be provided.

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

14. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets; a plan identifying retained and proposed habitat features; and management responsibilities and maintenance schedules

for each ecological feature and habitat within the development. The LEMP shall also include a schedule for monitoring success of the management prescriptions, incorporating review and necessary adaptive management and remedial works in order to attain targets. The monitoring schedule shall stipulate the years after the commencement of operation that a monitoring report, to be prepared by an independent ecologist, shall be submitted to the Local Planning Authority. The LEMP will also cover the period of decommissioning at the end of the operational phase of the development.

The LEMP shall provide details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The development shall be undertaken and managed in accordance with the approved LEMP unless otherwise agreed in writing by the Local Planning Authority.

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

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

- Commitment to undertake surveys immediately following construction completion to establish the baseline for future monitoring.
- Identification of the key features to be monitored and methodology to be used.
- Monitoring targets with specific measurable thresholds for success for each key feature with remediation measures incorporated where necessary.
- Commitment to continue monitoring for the operational lifetime of the installation in years 1, 3, 5, 10, 25 and 40, and a 5-year aftercare plan following completion of restoration.
- Commitment to prepare a report after each monitoring exercise, relating findings to those of previous years and the intended targets. The report will be submitted to the Local Planning Authority within 6 months of each monitoring visit.

REASON: To ensure the protection and enhancement of biodiversity.

16. No external artificial lighting shall be used or installed on site until lux contour plots/lighting contour plans for all proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The plots/plans must demonstrate that bat habitat to be retained will be maintained as 'dark corridors'. Details of mitigation measures that would be implemented where necessary, to minimise light spill shall also be provided. Lighting proposals shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light' and their Guidance Note GN08-18 'Bats and artificial lighting in the UK', issued jointly with the Bat Conservation Trust.

Construction phase lighting shall be limited to two tower systems comprising 6 x 160W Multi-LED which are only to be used where necessary during the winter months and this is subject to the requirements of this condition having been met.

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

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

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

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

18. No development shall commence on site and no equipment, machinery or materials shall be brought on to site for the purpose of development until tree protective fencing has been erected in accordance with the details set out in the Arboricultural Impact Assessment (June 2021) by Barton Hyett Associates.

The protective fencing shall remain in place for the entire development phase and until all equipment, machinery and surplus materials have been removed from the site. Such fencing shall not be removed or breached during construction operations.

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work – Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practice.

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

No fires shall be lit within 15 metres of the furthest extent of the canopy of any retained trees or hedgerows or adjoining land and no concrete, oil, cement, bitumen or other chemicals shall be mixed or stored within 10 metres of the trunk of any tree or group of trees to be retained on the site or adjoining land.

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the first operation or the completion of the development, whichever is the later.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVE



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

#### INFORMATIVE

The proposal includes alteration to the public highway. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email [vehicleaccess@wiltshire.gov.uk](mailto:vehicleaccess@wiltshire.gov.uk) for further details.

#### INFORMATIVE

The applicant should note that it will be necessary for a Great crested newt District Level Licence to be obtained from Natural England in order to allow the works to proceed lawfully. Great crested newts and their habitat are protected at all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation.

#### INFORMATIVE

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

#### INFORMATIVE

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

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

#### INFORMATIVE

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

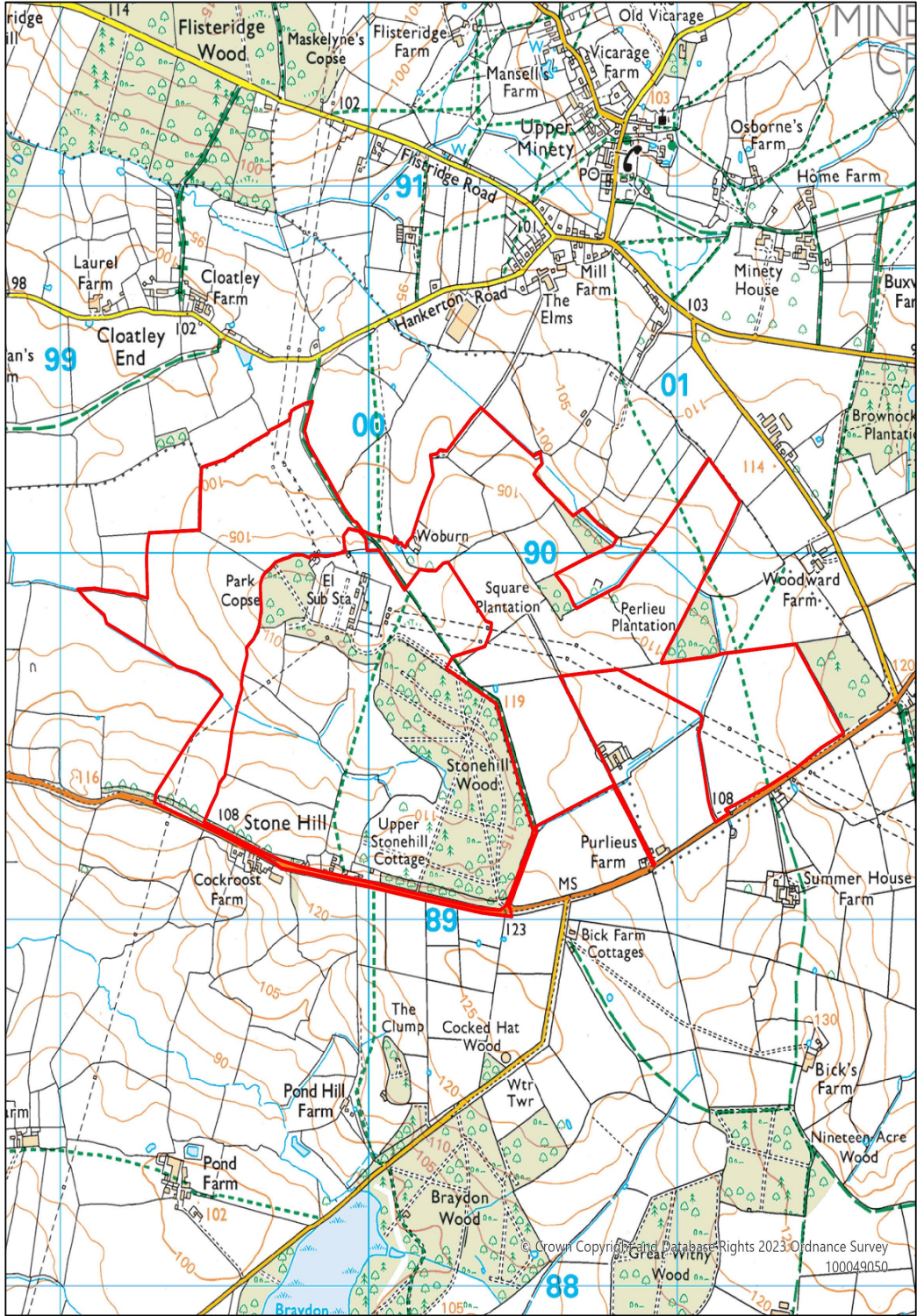
#### INFORMATIVE

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

#### INFORMATIVE

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

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



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## REPORT FOR PLANNING COMMITTEE

<b>Application Number</b>	PL/2022/02824
<b>Site Address</b>	Land at Somerford Farm, Brinkworth, SN15 5AU
<b>Proposal</b>	Proposed Development is for a battery storage facility and ancillary development.
<b>Applicant</b>	PD503HAN Ltd
<b>Town/Parish Council</b>	CHARLTON
<b>Electoral Division</b>	Brinkworth – Councillor Elizabeth Threlfall
<b>Grid Ref</b>	400899 187419
<b>Type of application</b>	Full Planning Permission
<b>Case Officer</b>	Adrian Walker

### Reason for the application being considered by Committee

The application has been called-in by the Division Member (Brinkworth Division) Elizabeth Threlfall (on the 6<sup>th</sup> November 2022) for the following reasons - 'scale of the development', 'visual impact upon the surrounding area', 'relationship to adjoining properties', 'design – bulk, height, general appearance' and 'environmental/highway impact'. It was also stated that the "Adverse Cumulative Impact of multiple BESS applications in this area" needs to be fully considered.

#### 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 to grant planning permission subject to conditions.

#### 2. Report Summary

The main issues for consideration are:

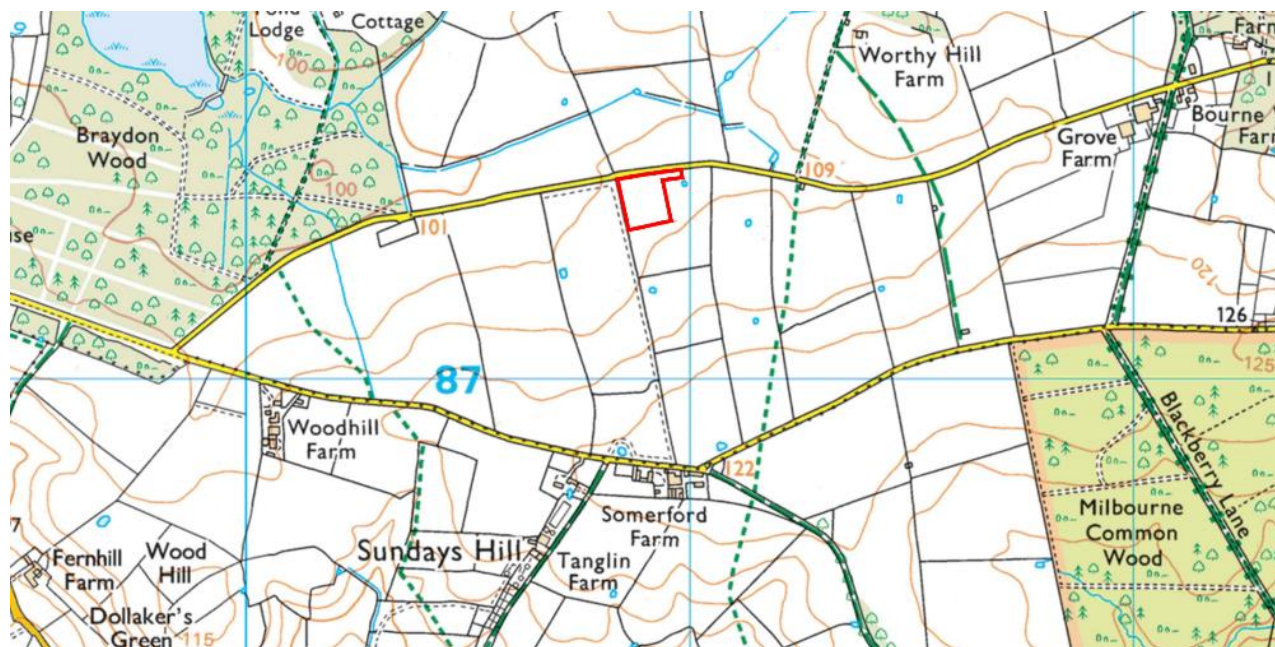
- a) Whether the proposal is acceptable in principle;
- b) Whether the proposal would result in the loss of agricultural land;
- c) Whether the proposal would be harmful in terms of its landscape and visual impact;
- d) Whether the scheme would give rise to an adverse impact on residential amenity;
-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



### 3. Site Description

The site is located on the south side of an unnamed C-class road, between Braydon Wood in the west and Ravensroost Wood in the east. The National Grid Minety Substation is located approximately 2.4km to the north-west. The village of Minety is about 3.5km to the north-east and Brinkworth is about 2.9km to the south.

The site comprises approximately 1.3 hectares of agricultural land. It is part of a field, with hedgerows defining the western and northern edges of the site. There is a gate in the hedgerow along the northern boundary that provides access into the site. The site is surrounded in all directions by agricultural fields enclosed by trees and hedgerows.



Site Location Plan (Drawing 3077-01-01 Site Location Plan)

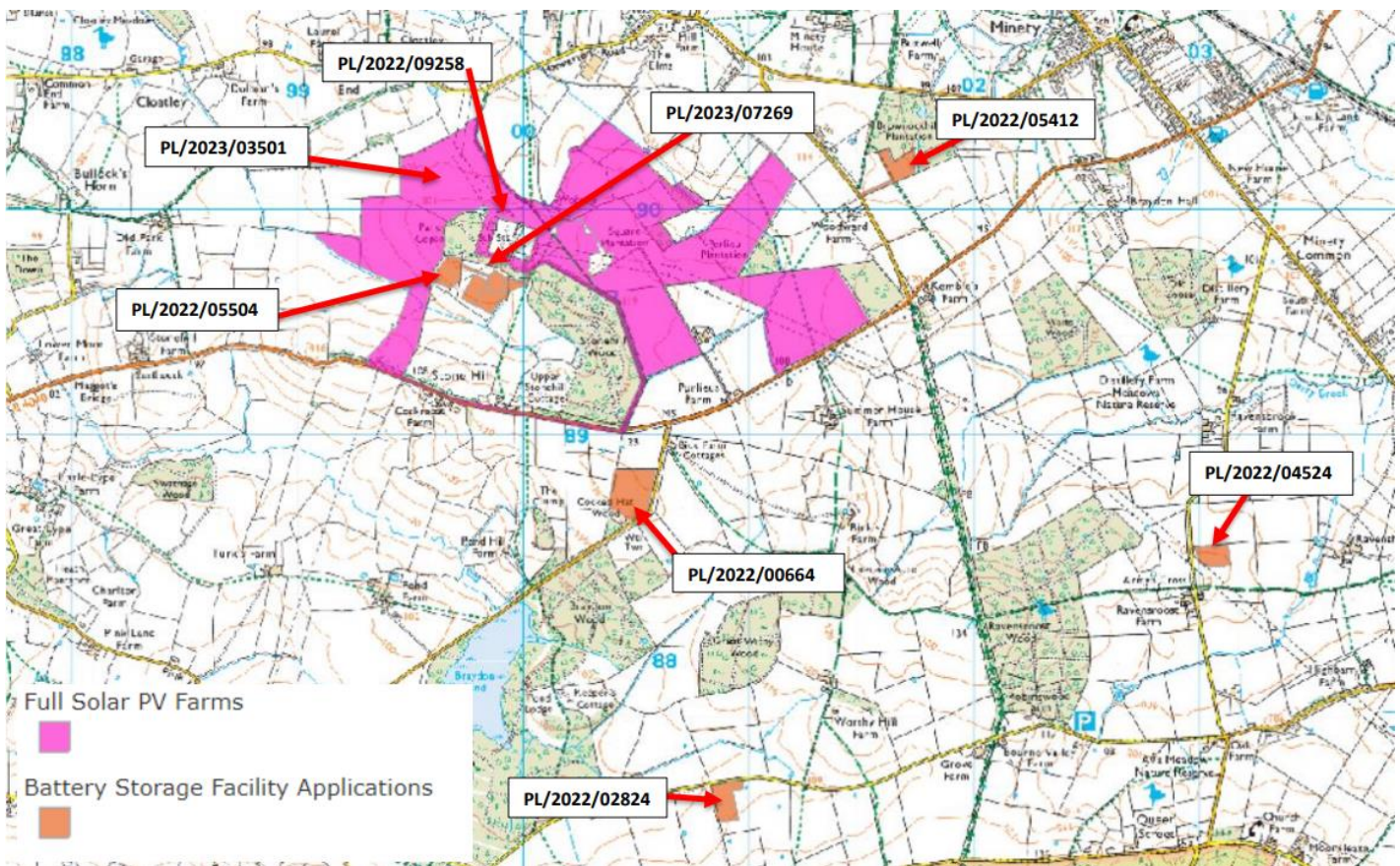
The nearest dwelling, Worthy Hill Farm, is located approximately 500m to the northeast of the site on the opposite side of the road. Other nearby dwellings are Somerford Farm, Stonebarn and Somerford Farm Cottage, situated approximately 550m to the south. A public footpath (CHAR2) runs from north to south, between Worthy Hill Farm and Somerford Farm, across land to the east of the site.

### 4. Relevant Planning History

The application site has not been the subject of any previous planning applications, however there are other current planning applications before the Council for Solar Photovoltaic and Battery Energy Storage System developments. They are listed as follows and identified on the map below:-

- PL/2022/04524 - Land east of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ - Installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security fence & gates. (3.4km South East of Substation)

- PL/2022/05412 - Land off Dog Trap Lane, Minety - Proposed Development is for a battery storage facility and ancillary infrastructure Revision of PL/2022/00404. (PL/2022/00404 was withdrawn) (1.5km East of Substation)
- PL/2022/05504 - Land at Stonehill, Minety, Wiltshire, SN16 9DX - Installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements. (South West of Substation)
- PL/2022/08634 - Lower Moor, Minety - Solar Park and Energy Storage Facility together with associated works, equipment and necessary infrastructure.
- PL/2023/03501 - Land near Minety Substation, Minety, SN16 9DX - Variation of condition 3, 4, 5, 6, 7, 11 & 20 of 20/03528/FUL -To allow modifications to the approved layout, increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters, alterations to location of vehicular access.
- PL/2023/07269 - Land to the east and south of National Grid Minety Substation, Minety, Malmesbury, Wiltshire, SN16 9RP - Installation of a grid connection cable route for an electrical connection between the approved Minety Battery Storage Facility (Planning ref:20/07390/FUL) and National Grid Minety substation.



The following current applications, for an extension to the Minety Substation and another Battery Energy Storage System, are also relevant to the assessment of the current proposal and are identified on the map above:-

- PL/2022/09258 - Minety Substation, Minety, Wiltshire, SN16 9DX - Extension of existing substation comprising installation of 400/132kV transformer, 3no. 400/33kV transformers,

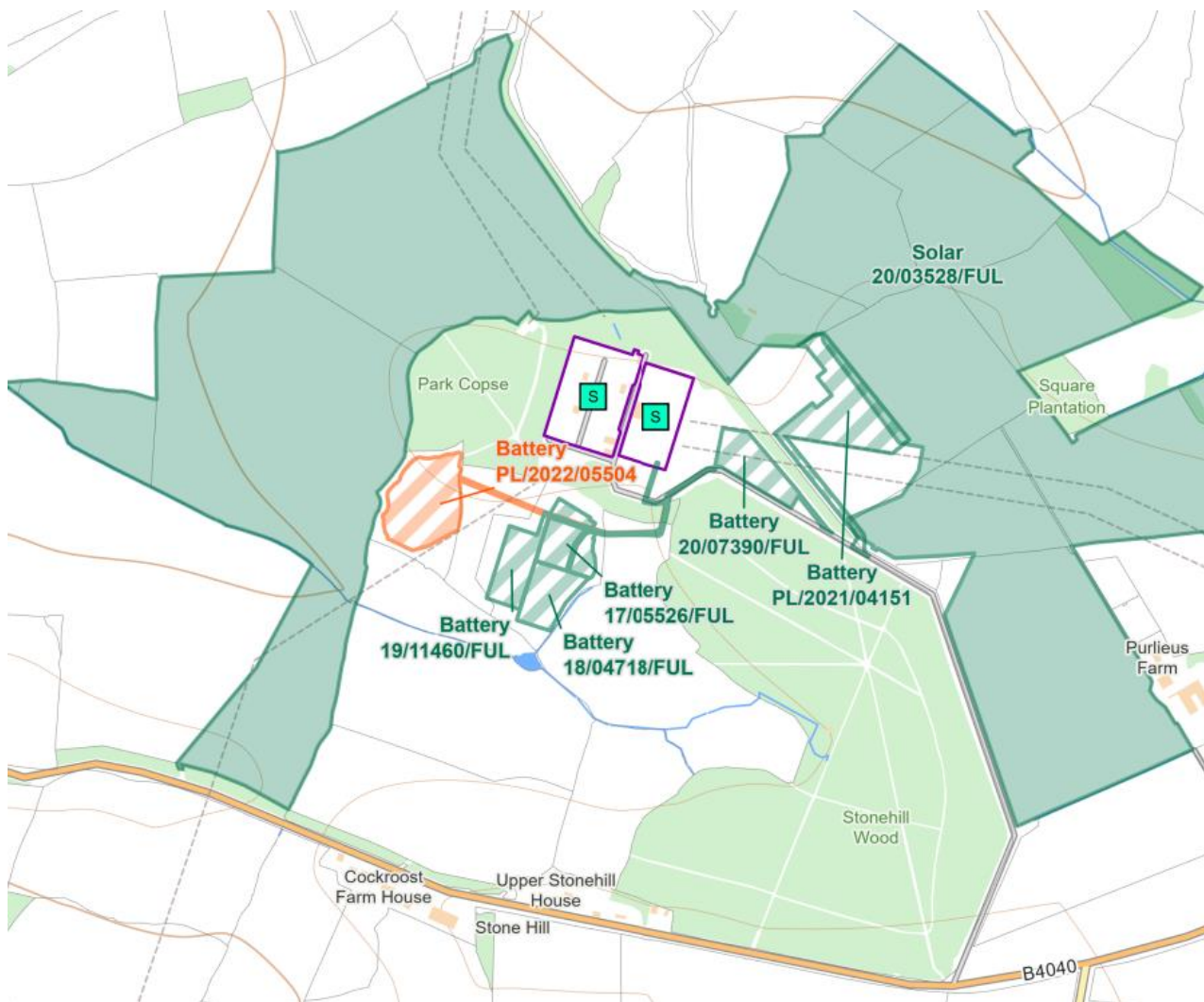


circuit breakers, construction of retaining wall and 33kV switchroom, formation of access road, culverting of watercourse, erection of fencing and associated works.

- PL/2022/00664 - Land off Pond Lane, Minety - Proposed Development is for a battery storage facility – Non-Determination Appeal ref APP/Y3940/W/23/3319392. (1.05km South East of Substation)

There are also a number of approved applications for Solar Photovoltaic and Battery Energy Storage Systems around the Minety Substation, they are listed as follows with some of the key ones identified on the plan below:-

- 20/03528/FUL - Installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery-based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure - Approved with Conditions 20/08/2021 (north / east and west of the substation)



(source: planning application PL/2022/04524 / Conrad Energy (Developments) II Limited / dated 31.10.22)

- Planning Application 17/03936/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 20/07/2017 (north of the substation)



- Planning Application 17/03941/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 19/07/2017 (*north of the substation*)
- Planning Application 17/05526/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV, landscaping and substation - Land adjacent to electricity sub station - Approved with Conditions 21/09/2017 (*south of the substation*)
- Planning Application 18/04718/FUL - Energy Storage System, Comprising Battery Storage Containers, Ancillary Buildings, Security Fencing, CCTV and Landscaping - Land Adjacent to Electricity Sub Station - Approved with Conditions 19/07/2018 (*south of the substation*)
- Planning Application 19/11460/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV and landscaping - Approved with Conditions 06/02/2020 (*north-east of the substation*)
- Planning Application 20/07390/FUL - Installation of a battery storage facility and ancillary development on land adjacent to National Grid's Minety Substation - National Grid Minety Substation Approved with Conditions 25/01/2001 (*east of the substation*)
- Planning Application PL/2021/09101 - Variation of conditions 2 and 10 for application 17/03941/FUL - Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track - Approved with Conditions 28/06/2022
- Planning Application PL/2021/04151 - Construction of a 2 hour duration containerised Battery Storage Facility with the ability to store and export up to 49.99 MW of electricity. The development will comprise 58 single storey steel cabins, known as E - Houses which are 12m long, 2.4m wide and 2.9m high, which house banks of lithium-ion batteries. 12 MV Blocks, also known as the transformers and control gear sit alongside E - Houses. The compound is protected with a 2.5 m high steel mesh fence. The proposed development would replace the approved Minety North substation (Minety North, 17/03936/FUL) – Approved with Conditions 08/11/2021 (*north-east of the substation*)

There are operational Battery Energy Storage Systems directly to the north-east and south of the Minety Substation with other solar photovoltaic developments within the wider landscape.

### **Environmental Impact Assessment**

On the 29 September 2021, Pelagic Energy requested a Screening Opinion from Wiltshire Council, under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), for the installation a 47.5MW battery storage facility and associated infrastructure on land described as 'to the North of Braydon Side, Chippenham, Wiltshire' (PL/2021/09411). The area of land is the same as the current application site. The purpose of the request was to determine whether the proposed development, as described, would be likely to have significant effects on the environment and therefore require an assessment.

The Council issued a Screening Opinion (ref PL/2021/09411) on the 20 October 2021 confirming that "based on the information provided, it is the opinion of the local planning authority that the proposed development would not result in effects the significance of which would require an

environmental impact assessment. An environmental impact assessment is not required for this proposal”.

On the 19 May 2023, Pelagic Energy requested a Screening Opinion from the Secretary of State, under Regulation 6(10) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), for the development the subject of this planning application. The Department for Levelling Up, Housing & Communities confirmed on the 13 November 2023 that “having taken into account the selection criteria in Schedule 3 to the 2017 Regulations the Secretary of State does not consider that the proposal is likely to have significant effects on the environment” and provided a full written statement which gives the reasons for the direction as required by Regulation 5(6) of the EIA Regulations.

It was concluded that “Overall, based on the available information and having regard to the considerable amount of permitted energy development in the locality, the Secretary of State has concluded there are no other issues or factors in this case, in this specific location, that either in isolation, or cumulatively, indicate a likelihood of there being significant environmental effects from this proposal. EIA is therefore not required”.

## 5. The Proposal

The application seeks full planning permission for a battery storage facility. The batteries would be housed within containers which utilise air conditioning units for cooling purposes. The facility is supported by ancillary development, including transformers, inverters, and switch gear units.



Proposed Site Plan (Drawing 3077-01-03 General Arrangement Rev D)

The Planning, Design & Access Statement (February 2022) by Axis provides a detailed description of the development including the following summary:-

- 40 no. single stacked containers housing Battery Energy Storage Systems (‘BESS’). These would have the appearance of a standard 40ft metal shipping container with ventilation units for cooling and would be arranged in parallel blocks within a single compound on the Site.

- The containers would be supported by ancillary infrastructure including: 20 no. Inverter / Transformer stations, 2 no. Auxiliary Transformers, 2 no. HV Switchgear, and 2 no. LV Switchgear.
- The containers and ancillary infrastructure would be located within a secure compound surrounded by a 2.4m high weldmesh fence with CCTV security cameras.
- The Proposed Development would take access from an unnamed road adjacent to the north boundary of the Site which connects to Braydon Road (B4696) circa 3km west of the Site.

The point of connection for the proposed development to the electricity grid, would be at the existing Minety Substation, which is located circa 2.4km to the north of the site. The connection would be installed below ground by an ICP contractor / statutory undertaker under permitted development rights. Accordingly, planning permission is not being sought for this element of the scheme.

The Planning, Design & Access Statement provides the following justification for the development:-

*1.2.4 The Proposed Development would store power from the national grid at times of excess supply and would feed this power back into the grid at times of high demand/reduced generation capacity. The Proposed Development is referred to by National Grid as a 'balancing service'<sup>1</sup>. It would assist in balancing grid frequency at times of system stress associated with periods of over or under supply.*

*1.2.5 The Proposed Development would provide a flexible back-up power source to the grid and can respond rapidly to variations that result from local and national energy demand, alongside increasing fluctuations in generation resulting from an ever-greater use of intermittent renewable energy sources<sup>2</sup>. Accordingly, the Proposed Development would ensure that curtailment of renewable energy generation at times of high supply and low demand is reduced and that the contribution of renewable energy to the network is maximised.*

*1.2.6 The Proposed Development would contribute towards ensuring that there is a reliable and constant supply of electricity across National Grid's transmission network.*

The application is supported by the following plans and documents: -

- Document. Planning, Design & Access Statement (February 2022) by Axis
  - Appendix A: EIA Screening Opinion
  - Appendix B: Ecological Assessment Report
  - Appendix C: Flood Risk Assessment + Surface Water Drainage Assessment
  - Appendix D: Arboricultural Assessment
  - Appendix E: Noise Impact Assessment
  - Appendix F: Landscape and Visual Appraisal
- Drawing 3077-01-01 Site Location Plan
- Drawing 3077-01-02 Statutory Plan Rev A
- Drawing 3077-01-03 General Arrangement Rev A
- Drawing 3077-01-04 Battery Storage Container
- Drawing 3077-01-05 Inverter-Transformer Stations
- Drawing 3077-01-06 Transformer
- Drawing 3077-01-07 Switchgear Container
- Drawing 3077-01-08 LV Switchgear Container
- Drawing 3077-01-09 Fencing and Security
- Drawing 3077-01-10 Existing Site Plan

The application was updated on the 31<sup>st</sup> October 2022 through the submission of the following:

- Document. Flood Risk and Surface Water Drainage Assessment (October 2022)
- Document. Agricultural Land Classification and Soil Resources
- Document. Archaeological Geophysical Survey Report
- Drawing 3077-01-11 Rev. B Landscape Design
- Drawing 3077-01-03 General Arrangement Rev D

## 6. Planning Policy

### National Planning Policy Framework (NPPF)

**Wiltshire Core Strategy** 2006 – 2026, with particular regard to:

- Core Policy 42 Standalone Renewable Energy Installations
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 51 Landscape
- Core Policy 52 Green Infrastructure
- Core Policy 57 Ensuring High Quality Design and Place Shaping;
- Core Policy 58 Ensuring the Conservation of the Historic Environment;
- Core Policy 60 Sustainable Transport
- Core Policy 61 Transport & Development
- Core Policy 62 Development impacts on the transport network
- Core Policy 67 Flood Risk;

### North Wiltshire Local Plan 2011 (Saved Policies)

- Policy NE12 Woodland (saved North Wiltshire Local Plan policy);
- Policy NE14 Trees and the control of new development (saved North Wiltshire Local Plan policy);
- Policy NE18 Noise and pollution (saved North Wiltshire Local Plan policy).

**Planning Practice Guidance** for Renewable and Low Carbon Energy (published 18 June 2015 / updated 14 August 2023).

Government policy for delivery of major energy infrastructure:-

- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for the Electricity Networks Infrastructure (EN-5)

## 7. Consultations

The application has been subject to two formal periods of consultation and publicity; the latter period due to the receipt of amended plans, drawings and documents. The most recent response from each consultee is summarised below:

**Environment Agency** – No observations.

**Natural England** – No observations.

**National Grid** – No objection. “National Grid has no objections to the above proposal which is a reasonable distance away from our assets.”

**Dorset & Wiltshire Fire and Rescue Service** – Standard advice provided

**Council Archaeology** – No objection subject to a condition to secure a written programme of archaeological investigation.

**Council Highways Department** – No objection in principle, subject to the consideration of the transportation impacts via a Transport Assessment and subject to conditions to secure a photographic pre-condition highway survey and Construction Management Statement.

**Council Ecologist** – No objection subject to conditions to secure a Construction Ecological Management Plan and to prevent the installation of light unless otherwise agreed.

**Council Landscape Officer** – No objection to the amended application subject to the refinement and implement of the proposed softscape landscape design scheme.

**Council Arboricultural Officer** – No observations

**Council Drainage Officer** – No objection subject to conditions to secure full and final details of the surface water drainage scheme, its implementation, and the management surface water during the construction phase.

**Council Public Protection Officer** – No objection subject to conditions to secure the mitigation measures to control noise outlined within the Noise Impact Assessment and the submission and approval of a Construction Environment Management Plan.

**Brinkworth Parish Council** – Objection – “Brinkworth Parish Council voted unanimously to Object to this development. The proposed site is surrounded by totally unspoilt countryside which supports a huge and diverse wildlife. The site is totally inappropriate and not in any way conducive to the environment”.

**Charlton Parish Council** – Objection

“Charlton Parish Council objects to this planning application for the following reasons:

1. The cumulative impact of the number of applications for battery storage units around the electricity substation. 6 applications have already been approved close-up to the substation. We all know there are another 3 simultaneous with this one by the same applicants, and they have told us they are preparing the paperwork for a 5th, and we know of a 7th being prepared close-up, so that's potentially 12.
2. The absence of any sense of how much battery storage the National Grid envisages that the substation can support. The area was already described as the largest storage facility in Europe when the second 50 MW array opened. At least 2 other applications (in 2017 and 2018) described themselves as 'the last application as the site will now be at capacity' - yet the capacity evidently keeps on increasing
3. 2.5kms away as the crow flies - further in terms of the connection – is there any end to the possible number of such sites here if they can be 2.5km (or more - 5km? 10km?) away?
4. Piecemeal decisions - the fact that the Local authority has to keep making piecemeal decisions on additional applications as they arise.
5. The absence of a clear statement of Wiltshire Council's attitude/policy to these applications and their cumulative impact on the locality
6. The Agricultural Land Classification (ALC) of this site has not yet been determined. ...”.

## 8. Publicity

As a result of publicity, representations have been received from five people raising the following concerns:

- There needs to be a national strategy for battery storage facilities rather than applications being considered on an ad hoc basis.
- There is no definition of limit to industrialisation/over-development of the area.
- The development should be on brownfield land
- The development would spoil greenfield land
- There are existing similar battery storage facilities near the site
- The site is too far away from Minety Substation
- The application does not adequately considered biodiversity and geodiversity impacts
- The local roads are not suitable to accommodate associated traffic
- A battery storage facility has already been approved 18/04914/FUL, and a related application on the same site PL/2022/04524 is under review. This is at Ravensroot Farm, less than 2.5 miles from this site. Do we really need two of these sites so close together.
- The application is on the same road as 20/11027/FUL (Change of Use of Agricultural Building and Stables to Commercial and Machinery Storage and Site Office) which was withdrawn after over 130 objections based upon the access along the road to and from the site.. this is the same road as in this application.

## 9. Planning Considerations

### a) Whether the proposal is acceptable in principle

The Infrastructure Planning (Electricity Storage Facilities) Order 2020 removed all forms of electricity storage, other than pumped hydroelectric storage, from the definition of nationally significant energy generating stations under the Planning Act 2008. As such, any proposal for a Battery Energy Storage System (BESS) below 50MW must be determined by Local Planning Authorities. A BESS proposal above 50MW is defined as a nationally significant infrastructure project (NSIP) which requires consent from the Secretary of State. The development the subject of this current application is for a BESS below 50MW.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (NPPF, par 2). For the purpose of determining this application, the development plan comprises the Wiltshire Core Strategy (adopted January 2015) and the Saved Policies of the former North Wiltshire Local Plan (2011). A core objective of the development plan is to address climate change and through Core Policy 42 'Standalone Renewable Energy Installations', the Council sets out the parameters within which standalone renewable energy installations, which would equally apply to supporting infrastructure, shall be supported.

The NPPF advises that Local Planning Authorities should take a proactive approach to mitigating and adapting to climate change and to help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources (par 160). Battery Storage Facilities are a form of infrastructure that support the use and supply of renewable energy. The Planning Practice Guidance advises that "Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for costly network upgrades and new generation capacity" (Paragraph: 032 Reference ID: 5-032-20230814).

The Overarching National Policy Statement for Energy advises that energy storage has a key role to play in achieving net zero and providing flexibility to the energy system. Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various

services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the National Electricity Transmission System Operator (NETSO) and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases (par 3.3.25 – 3.3.27).

Locally, Wiltshire Council has made a firm commitment to seek to make the county of Wiltshire carbon neutral by 2030 and has pledged as an organisation to become carbon neutral by 2030. The Council's Climate Strategy (2022 – 2027) sets out a clear commitment to increase the uptake of renewable energy, it states the Council seek to “Increase renewable electricity generation including microgeneration (and associated technologies such as storage) in Wiltshire by working in partnership with others” (p28).

The Council's Climate Strategy explains that “At present the grid supplies energy on demand. Once transport and heating are electrified, there will be a much greater demand. In order to manage this a flexible and ‘smart’ grid will be needed. The UK Net Zero Strategy sets a high level of ambition, stating that all electricity will come from low carbon sources by 2035, subject to security of supply, whilst meeting a 40-60% increase in demand” (p28).

The planning application explains that the proposed development “is considered as supportive infrastructure of renewable energy generation in that it enables surplus electrical energy in the grid (which includes that generated from renewable sources) to be stored and then used at times of demand. As a consequence, it also enables energy generated from intermittent (i.e. weather dependent) renewable technologies to be fully harnessed and utilised, rather than being curtailed at times of low demand”. The development would therefore contribute towards ensuring the contribution of renewable energy to the network is maximised. The proposed development is therefore considered to be acceptable in principle in terms of the type of development. However, in order to establish the acceptability of the proposal on the site in question, all material planning considerations associated with the proposal must be considered, and are discussed within the following sections.

In terms of the proposed location of the battery storage facility, the Planning Inspectorate has highlighted that “Locational factors that influence the siting of battery storage facilities include, provision of access to unrestricted network capacity, proximity to a financially viable access to the national grid and point of connection, availability of suitable land and the proximity of a point of access to the highway network” (appeal ref 3289603, par 30). The application provides details of the site selection process, the Planning, Design & Access Statement explains that Pelagic Energy have carried out a site screening exercise for National Grid’s Super Grid Transformer Substations. These are strategically important infrastructure, required to maintain power supplies across the UK. Locating Battery Storage Facilities (BSF) within a reasonable distance to Super Grid Transformer Substations, ensures rapid responses to transmission grid instability and that transmission losses are minimised through the associated grid connection. It goes on to explain that “Of the two hundred and ninety-eight (298) National Grid Super Grid Transformer Substations in the UK, only one hundred and sixty-eight (168) have capacity to accommodate the scale of BSF proposed. A significant number of these substations are constrained due to the close proximity of housing or other environmental constraints. As such, there are only a limited number of substations suitable for BSF projects to connect to. The National Grid Minety Substation is one of the Applicant’s leading suitable substations due to the availability of grid connection capacity (par 1.4.1 - 1.4.4).

The justification provided for the site selection process highlights the need for the battery storage facility to be within close proximity to the National Grid Minety Substation, away from neighbouring properties, and within an area that is not protected by any national or local landscape or

ecological designations. The application site is however approximately 2.4km away from the substation within the open countryside therefore the specific impacts of the proposal and thus the acceptability of the development are considered in the following sections.

**b) Whether the proposal would result in the loss of agricultural land**

The existing use of the site is agriculture. The NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by "...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, and of trees and woodland" (paragraph 180).

Natural England's Technical Information Note TIN049 '*Agricultural Land Classification: protecting the best and most versatile agricultural land*' explains that: "the Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system... The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (see Annex 2 of NPPF)".

The site comprises Grade 3b agricultural land which is confirmed within the Agricultural Land Classification and Soils Resources report (June 2022) by Reading Agricultural Consultants. The site does not therefore include the 'best and most versatile agricultural land'. The site area will also not result in the loss of a significant amount of agricultural land with the remainder of the filed remaining within its agricultural use. There is therefore no conflict with planning policy in this regard and the need for the facility against the loss of the small area of agricultural land will need to be considered within the overall planning balance.

**c) Whether the proposal would be harmful in terms of its landscape and visual impact;**

The NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment (par 180) and Core Policy 51 'Landscape' of the WCS outlines that new 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. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.

The application site does not lie within a designated or protected landscape and the application is supported by a Landscape and Visual Appraisal (January 2022) which refers to the relevant character area and provides an assessment of whether a likely significant landscape and visual effect would be experienced by any receptor, by considering the predicted magnitude of change together with the sensitivity of the receptor, taking into account any proposed mitigation measures. It concludes by stating that "The Proposed Development would be modest both in extent and in height, being contained within an existing field defined by boundary hedgerows, which would be reinforced by new native tree and shrub planting. Whilst visible from locations outside of the Site, such views would always be filtered through existing vegetation and visibility would reduce as new planting establishes. The influence of the Proposed Development upon the character of the surrounding landscape and upon views across it would be very limited. The landscape and visual effects of the Proposed Development would not be significant".

The Council's Landscape Officer originally replied with a holding objection stating that the site sits in the rolling clay lowlands and is within a corner of a field where along the south and eastern boundary of the site there is currently no planting. The mitigation strategy proposed is relying on planting establishing quickly in order to reduce the immediate impact on the wider landscape



setting. Furthermore, whilst there are existing hedgerows to the north and west the northern hedgerow has been maintained at a relatively low height and thus there needs to be more consideration in terms of its management over the life time of the project.

In light of the above, and to respond to the detailed request and notes of the Landscape Officer, an updated and more comprehensive landscape scheme, including a maintenance plan, was submitted. The Landscape Officer subsequently issued a revised consultation response removing the holding objection subject to the following conditions being met:

- The *Tilia cordata* (Small leaved lime) as noted in the plant schedules needs to be replaced with *Quercus robur* as this the predominant hedgerow specimen tree species on the Braydon Wooded Plateau on the Minety Rolling Clay Lowlands. I would also ask that the specimen tree planting centres are increased. Currently they looked to be planted at 5m centres which is not characteristic of the rolling clay lowlands hedgerows. A more random spacing of 10-15m will allow the trees more room to mature over time.
- The hedgerow planting whips need to be increased in size from 40-60cm to 150-180cm bare root feathered stock to provide better initial screening as per my previous comment. The maintenance visits will need to be upped in summer to ensure adequate watering of the larger stock. I would also ask that *Rosa canina* is removed and replaced with *Ilex aquifolium* (holly) to give some evergreen screening during the winter months.
- A condition for the retention of the planting as a valuable addition to the long term green infrastructure of the rolling clay lowlands after the removal of the battery storage facility would help support the management objectives of the Wiltshire Landscape character Assessment that states:
  1. ' - Retain and manage the dense hedgerow network and nurture new hedgerow trees
  2. Consider strengthening the enclosed character of the landscape and screening views to intrusive urban edges through nurturing existing and planting new woodland.'

The requested updates to the submitted landscape design scheme can be secured via condition, along with the need to implement the final approved scheme and its long term management, should planning permission be granted.

It is evident that the proposed development would result in a significant change in land use which would be industrial in nature and not characteristic of the rural area. However, the impact on landscape character would be localised and would be mitigated as far as possible through landscape measures in line with Core Policy 51. The need for the development in the locality has been justified above which will have to be considered within the overall planning balance along with the impact on local landscape character.

#### **d) Whether the scheme would give rise to an adverse impact on residential amenity**

The NPPF advises that the planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability (par 180). This aim is also reflected within Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS seeks to secure a high standard of design in all new development with one key element being the need for consideration be given to the compatibility with adjoining land uses and the impact on the amenities of existing occupants as a result of noise or air pollution etc.

The application is supported by a Noise Impact Assessment (January 2022) by NVC Ltd due to the nature of the infrastructure to be installed but it concludes that "The assessment shows that with appropriate mitigation the Proposed Development can be designed to comply with relevant

noise guidance and standards". The Council Public Protection Officer agrees with the conclusion of the assessment and offers no objection to the proposed development subject to the following conditions to prevent an unacceptable impact on the surrounding environment and amenities of the occupiers of neighbouring properties:-

- The mitigation measures to control noise as per section 7.4 Noise Impact Assessment are to be adopted by the developer to ensure current residential dwellings in the vicinity are not adversely impacted by noise during the operation of the site.
- No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- A Construction Environment Management Plan.

On this basis, it is considered that the proposed development will not conflict with the relevant policies of the plan, including Core Policy 57 of the WCS, or with relevant provisions of the NPPF.

**e) Whether the proposal would have an adverse impact upon highway safety or public rights of way**

The NPPF advises that transport issues should be considered from the earliest stages of plan-making and development proposals but ultimately it advises 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 (par 115). Core Policy 62 'Development Impacts on the Transport Network' however advises that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The Planning, Design and Access Statement provides details of the vehicular movements associated with the proposed development during the construction and operational phases. The Highway Authority requested a Transport Statement but the level of detail is considered proportionate to the scale of the development and addresses the key requirements. It advises that given the short temporary nature of the construction phase (6-8 months) and the low number of vehicular movements per hour (2-3 HGV movements) during the busiest period, the construction of the proposed development is unlikely to result in any significant impact on the local highway network. During the operational phase, it is advised that the proposed development would be controlled remotely as the facility would be fully automated. Typically, the only vehicle journeys necessary to the site would be for the occasional maintenance visit (i.e. 1 or 2 engineers travelling to the site in a van on a circa monthly basis). As such, the operational phase of the proposed development would not generate significant traffic movements and have negligible impact on the local road network.

The site would be accessed via the existing field entrance to the north, both during construction and operational phases, which leads onto a C class road running east to west. This road connects to the wider highways network via the B4696 (Braydon Road) circa 5km to the east. The Highway Authority has requested a pre-construction highway photographic survey of the road prior to the commencement of development which would be secured via condition, along with a Construction Management Plan.

In light of the above, while the construction phase will result in a noticeable increase in vehicular movements on the local road network, it will be temporary in nature and road network is sufficient to accommodate the anticipate volume of movements, As such, subject to the management of the construction phase via appropriate conditions, the proposal would not have an adverse impact on highway safety and would not conflict with national or local transportation policies.

**f) Whether the scheme would cause harm to protected species and/or their habitats**

Core Policy 50 'Biodiversity & Geodiversity' of the WCS requires all development proposals to incorporate appropriate measures to avoid and reduce disturbance to sensitive wildlife species and habitats throughout the lifetime of the development.

The application site does not form part of any statutory or non-statutory designated sites and comprises a small section of a larger arable field that is bound by hedgerows at the northern and western boundaries.

The application is supported by an Ecological Assessment (January 2022) by Avian Ecology. The Council's Ecologist has reviewed the report and has no objection to the proposed development. The Ecologist noted that the site "has potential for the protected species great crested newts to be present however due to the area of impact being arable land significant adverse impacts on this species through loss of habitat is not predicted. As stated in the report it seems reasonable that the risk of harm to individuals could be managed through adherence to reasonable avoidance measures (RAM) as detailed in Appendix 2 of the ecology report. There is a low level risk of harm to nesting birds, amphibians, badgers and retained hedges and trees during construction. To safely manage these impacts a Construction Ecological Management Plan (CEMP) prepared in accordance with recommendations in sections 4.5.1 – 4.5.35 of the report should be secured by condition if not provided in advance of determination". It was also recommended that no lighting be installed within the site unless otherwise agreed with the Local Planning Authority. Through these measures, the proposed development will satisfy the requirements of Core Policy 50 of the WCS and relevant provisions of the framework.

Core Policy 50 seeks to secure ecological enhancement / Biodiversity Net Gain (BNG) for 'major' developments only. The proposed development will however result in over 50% BNG as outlined within the Ecological Assessment. The Council's Ecologist notes that "Section 4.4 of the ecology report describes the results of a BNG assessment using Metric 3.0. According to this assessment an acceptable net gain of 17.78% in habitat units is predicted through the creation of 0.38 ha of species rich grassland, 0.03 ha of attenuation pond, and 0.15ha of tree planting. In addition 0.07km of native species rich hedgerow will be planted resulting in a net gain of 50.72% in linear biodiversity units. With the exception of the attenuation pond, the majority of these habitats appear on the Landscape Design. Drawing Number 3077-01-11. Axis (July 2022) therefore these gains appear deliverable".

**g) Whether the proposal would result in the loss of trees and ancient woodland**

Core Policies 51, 52 and 57(i & ii) of the WCS require development proposals to conserve and enhance natural features including trees, hedges and woodland. Saved Policy NE12 of the North Wiltshire Local Plan supports the creation, conservation, enhancement and positive management of woodland. It also seeks to protect areas of ancient and semi-natural woodland. Saved Policy NE14 of the North Wiltshire Local Plan seeks to prevent the loss of trees, hedges and other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

The proposed development only has the potential to impact the trees / hedgerows along the north and east boundaries of the site. The application is therefore supported by a Tree Survey Report (TSR), Arboricultural Method Statement (AMS), Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP), all by ARBTECH (October 2021 and January 2022). A total of 6 no. individual trees, 4 no. groups of trees and 3 no. hedges were surveyed. The AMS identifies that the Proposed Development would not require the removal of any trees on the Site. The AMS identifies that some minor tree works would be required to accommodate the proposed

development. This involves lifting the crown of a Category A1 Oak to give clearance to facilitate installation of the compound fencing.

The overall quality and longevity of the amenity contribution provided for by the trees and groups of trees within and adjacent to the site would not be adversely affected by the proposed development. The scheme involves significant new planting that will soften and screen the development but also contribute positively towards the local landscape character. The proposal will not result in the loss of any significant trees and ancient woodland and therefore accords with Core Policies 51, 52 & 57 of the WCS and Saved Policies NE12 and NE14 of the North Wiltshire Local Plan.

**h) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets**

Core Policies 57(i & iv) and 58 of the WCS deal with conservation of the historic environment. The supporting text states that heritage assets include listed buildings, conservation areas, scheduled ancient monuments, registered parks and gardens, registered battlefields, world heritage sites, and non-designated heritage assets such as buildings and archaeological sites of regional and local interest (paragraph 6.136). The policy seeks to ensure that developments protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings are to be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The submitted Planning, Design and Access Statement consider the impact of the proposed development on the historic environment but correctly identifies that there are no heritage assets within close proximity of the site so there will be no impact. Archaeological Geophysical Survey (May 2022) by AOC Archaeology Group consider the potential of the development to impact below ground assets.

The County Archaeologist notes that the geophysical survey has revealed some anomalies of possible archaeological origin and therefore recommends that the results of the survey be ground-truthed via an archaeological trial trench evaluation. It was advised that the total length of trenching should be equal to approximately 2% of the proposed development with a 2% contingency for further trenching should this be required. The archaeological trial trench evaluation forms the first stage of possible further archaeological mitigation. Further archaeological investigation may be required either prior to or during construction or both. This will be dependent on the results of the archaeological evaluation undertaken prior to construction. Analysis and reporting commensurate with the significance of the archaeological results of further mitigation may also be required. The requirement for trial trenching and further works and analysis if necessary will be secured via a condition to be attached to any planning permission that may be issued to ensure compliance with Core Policies 57 & 58 of the WCS.

**i) Whether the development would result in any other adverse environmental impacts**

Core Policy 67 'Flood Risk' of the WCS requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to the soil and ground (sustainable drainage system) unless site or environmental conditions make these measures unsuitable. The application is supported by Flood Risk & Surface Water Drainage Assessment (January 2022, updated October 2022) by KRS Environmental. The Assessment concludes by stating that the proposed development could operate "with minimal risk from flooding, would not increase flood risk elsewhere and is compliant with the requirements of the National Planning Policy Framework (NPPF). The Proposed Development will considerably reduce the flood risk posed to the Site and to off-site locations due to the adoption of a Sustainable Drainage Systems (SuDS) Strategy".

The Lead Local Flood Authority has removed its original holding objection following the submission of the updated Flood Risk & Surface Water Drainage Assessment. It is accepted that the assessment confirms that infiltration is an unsuitable method of surface water disposal due to low infiltration rates and as such it is proposed the surface water from the site be discharged into an adjacent watercourse. The Outline SuDS Strategy will take the form of 1. Permeable surfaces - crushed stone, and 2. Underground attenuation storage to the north-west of the site with restricted discharge to the northern drainage ditch. It is recommended that planning permission be granted subject to conditions to secure the implementation of the proposed scheme and the approval of full details. Such conditions will ensure that a suitable drainage scheme is designed and implemented in accordance with Core Policy 67 of the Wiltshire Core Strategy.

Dorset & Wiltshire Fire and Rescue Service (DWFRS) advises that they would not object in principle to the lawful development of a Battery Energy Storage System (BESS) or other alternative energy site it is recognised that these installations pose some specific hazards in the event of fire. Any fire involving grid scale Li-ion battery storage would be treated as a hazardous materials incident in order that specialist technical advice can be obtained at the earliest opportunity.

DWFR further advises that current fire safety legislation (in particular, the Regulatory Reform (Fire Safety) Order 2005) is limited in its application to such developments due to the low life risk during normal occupation. Process fire risk is generally regulated by the Health and Safety Executive but in the absence of regulation under COMAH there is an expectation that fire and rescue services will initiate an emergency response in the event of an incident, in conjunction with the site operator's own plans.

It is advised that research is ongoing to determine the most suitable method to extinguish a fire within Li-ion battery cells although current guidance recommends copious (and significant) volumes of water for a prolonged period. As such, DWFRS provide a series of recommendations to limit the potential for fire and to ensure emergency plans are as robust as possible. The full letter from DWFRS will be appended to any planning permission that may be granted along with guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).

#### **j) Whether the development would have an adverse cumulative impact**

The cumulative impact of the proposed development was first considered as part of the EIA screening opinion. The Secretary of State concluded (on the 10 November 2023) that "Given the lack of intervisibility to other sites and relatively small and heavily screened nature of this proposal, significant adverse effect in this regard is unlikely for the various similar facilities in the locality". As such, the impacts of the development in cumulation with other existing development and/or approved development did not justify the need for an EIA.

The need to consider cumulative effects in planning and decision making is set out in planning policy. The Overarching National Policy Statement for Energy advises that for nationally significant infrastructure project (NSIP) developments "the considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

- its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits
- its potential adverse impacts, including on the environment, and including any long-term and **cumulative adverse impacts**, as well as any measures to avoid, reduce, mitigate or

compensate for any adverse impacts, following the mitigation hierarchy” (emphasis added) (par 4.1.5).

The material planning considerations would equally apply to any BESS development below 50MW considered by Local Planning Authorities, including any cumulative adverse impacts which would need to be considered within the overall planning balance. The NPPF advises that to help increase the use and supply of and supply of renewable and low carbon energy and heat, plans should “provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)” (emphasis added) (par 160). The WCS requires development considered under Core Policy 47 to assess cumulative effects.

The Planning Practice Guidance advises that “The approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero” (Paragraph: 013 Reference ID: 5-013-20150327).

The relevant guidance (Paragraphs: 022 Reference ID: 5-022-20140306 & 023 Reference ID: 5-023-20140306) advises that the cumulative landscape impacts and cumulative visual impacts are best considered separately. The considerations are as follows:-

- **Cumulative landscape impacts** are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change

- **Cumulative visual impacts** concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point, or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts

In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.

The Council’s Landscape Officer is of the opinion that the series of individual planning applications seeking planning permission for BESSs is harmfully changing the existing rural character of pastoral farmland into an industrialising urban sprawl radiating outwards from Minety Substation. The Officer explains that “The National Grid’s Minety Substation site (currently) remains a well screened and integrated element of National Grid Infrastructure within this local area. Obviously, the overhead electricity transmission lines and their supporting pylons are visible elements in the countryside leading towards and away from the substation, but the local landscape retains its inherent peaceful pastoral character with important areas of ancient woodland, such as Park Copse and Stonehill Wood, amongst others, surviving remnants of

Braydon Forest, a former Royal Hunting Forest. Alongside this, the area has a strong nature conservation value / denoted by the local clustering of SSSI's and the areas of deciduous broadleaved woodland and areas of neutral/unimproved meadow present in the surrounding landscape. The area is sparsely settled, due to its historic use as a royal hunting forest and its comparatively more recent enclosure as farmland. The sparse rural settlement, presence of woodland and common land all contributes to this areas inherent rural, tranquil character. The presence of a water tower or the pylons crossing this landscape does not significantly alter the inherent peaceful character of the countryside, but the character of countryside around Minety Substation continues to decline from piecemeal industrialising development radiating outwards”.

The Officer also questions whether the applications for BESSs and Solar PV are the reason why there is a need to extend Minety Substation; there is a “need to understand and establish whether the large number of BESS and solar PV applications in this locality are the drivers for the harmful expansion of Minety Substation, especially as BESS /Solar farm applicants often justify the reason why these developments are being proposed in this local area in the first place is due to National Grid’s available grid connection capacity. If this turns out not to be the case, then the expansion of the substation site itself is a direct effect and consequence of these locally clustering renewable energy generation schemes and energy storage developments”.

National Grid advised as part of its planning application (ref PL/2022/09258) to extend the substation that it had identified the need to extend the existing operational Minety 400kV Substation for a combination of the following reasons:

- Demand growth on the SSE network.
- Connection of embedded generation to SSE network.
- Connection of generation to National Grid network.

Embedded generation includes combined heat and power (CHP) plants, onshore wind, solar farms, and storage devices such as lithium-ion batteries.

National Grid advised it is aware of nine customers connecting directly into the expanded Minety 400kV substation but it is possible that other developments are connecting via the local Distribution Network Operator (DNO). The DNO apply to National Grid for additional capacity which enables an assessment of available and required capacity. National Grid advised that at Minety, this assessment has generated the need for a further SuperGrid Transformer which forms part of application ref PL/2022/09258, and other than the nine customers connecting directly to National Grid whose grid capacity is dependent upon the application, National Grid cannot comment on other planning applications and whether they have secured grid capacity as this would be via the DNO.

The information from National Grid indicates there is a clear demand to increase the capacity of the network as advised by the local DNO. The BESSs are part of National Grid Strategy to strengthen the network but are implemented and operated by third parties such as the applicants of the current BESS applications. There is therefore a clear locational requirement for the BESSs adjacent to the Minety substation or within the area where a connection is possible. However, the cumulative impacts of all developments has to be considered and any adverse impacts considered within the overall planning balance.

The current applications for BESSs, as listed below, are supported by Landscape and Visual Assessments and application PL/2022/05504, which is directly adjacent to the substation, includes a Cumulative Impact Assessment (September 2023) by RedBayDesign.

- PL/2022/02824 - Land at Somerford Farm, Brinkworth
- PL/2022/04524 - Land east of Ravensroost Road, Ravenshurst Farm, Minety
- PL/2022/05412 - Land off Dog Trap Lane, Minety

The Cumulative Impact Assessment is based on data provided by the Council and considers the potential cumulative impact from energy generation / storage developments within a 10km study area. The assessment considers landscape and visual effects and sets out a clear methodology and criteria for assessing the potential impacts. The report mentions that “Wiltshire Council identified an additional 19 Renewable Energy sites and Minety Substation Extension within 10Km of the application site. Upon undertaking desk top and field study work It was considered that a good number of these schemes would likely not contribute to cumulative effects due to the distances involved combined with the discrete nature of the schemes” (par 5.1). However, the following were subject to a cumulative Landscape and Visual Impact Assessment because the sites are all directly adjacent to the substation and could all be viewed as one cluster of energy related developments:-

- PL/2022/05504
- 20/03528 (Approved) PV Solar
- 19/11460 (Approved) BESS
- 17/03936 (Approved) BESS
- 17/03941 (Constructed 2023) BESS
- 21/04151 (Approved) BESS
- 20/07390 (Approved) BESS
- 22/09258 (Planning) Substation extension

The Cumulative Impact Assessment concludes by stating it is considered that cumulative impact of application scheme [PL/2022/05504] over and above the consented schemes and planned substation extension would have a **Slight Adverse** impact to the landscape character of the study area. This is due to the increased number of this type of development into the area where there is a concentrated number of other consented and constructed schemes. Having said this the opportunities to experience the proposed schemes in isolation is limited and with very limited opportunity to experience two or more schemes at the same time, this being a short section of Public Footpath CHAR 16. Of all the schemes the application site [PL/2022/05504] would be the least noticeable due to its location within a discrete field being located some way from the footpath” (par 5.2).

“Due to the low lying undulating topography and the intervening vegetation there is very little opportunity for inter-visibility between the proposed energy sites. There may be some potential for combination effects along CHAR 16 between the application site, Minety Phase 3, the Solar scheme and the Substation extension, with the application scheme being the least noticeable of the three. From here the contribution of the application site would be negligible” (par 5.4).

The proposed BESSs the subject of this current application (PL/2022/02824 Land at Somerford Farm, Brinkworth) and applications PL/2022/04524 (Land east of Ravensroost Road, Ravenshurst Farm, Minety) and PL/2022/05412 (Land off Dog Trap Lane, Minety) are not immediately located adjacent to the Minety Substation and are all isolated. The individual Landscape and Visual Impacts Assessments for each proposal conclude that the developments would be well contained within the local landscape due to the topography of the land and natural screening, along with proposed mitigation measures in the form of structural landscaping. The developments would not be located within a sensitive landscape and would not be visible from the same point, and only glimpsed views would be experienced if travelling along the local highway network. It is however considered that the introduction of a number of BESSs within the area, alongside solar photovoltaic developments, will mean they become a notable features within the local landscape, albeit they will not become a defining characteristic of the landscape due to the magnitude of the predicated landscape impacts and the limited range of viewpoints where all developments would be visible from. It is therefore considered that the proposed BESSs developments away from the substation would not have an unacceptable cumulative landscape and visual impact.



## 10. Conclusion

The proposed development is for the installation of a battery storage facility which would store power from the national grid at times of excess supply and would feed this power back into the grid at times of high demand/reduced generation capacity. The proposed development would introduce an uncharacteristic industrial form of development on the site which currently forms part of the open undeveloped rural landscape. However, the impact of the proposal from a landscape and visual perspective will be localised and mitigated through a soft landscape design scheme. Furthermore, despite being isolated within the rural landscape, there are locational factors that influence the siting of battery storage facilities, primarily the provision of access to unrestricted network capacity, proximity to a financially viable access to the national grid and point of connection, availability of suitable land and the proximity of a point of access to the highway network. The proposed development meets each of these key considerations and there are no objections from any statutory consultees. The ability to store electricity at the site would reduce the curtailment of renewable energy generation locally and reduce the need for fossil fuel generation, thereby minimising climate change. As such, while there continue to be concerns locally about the impact of the proposed development and the number of similar development within the area, on balance, significant weight is given to the potential of the development to contribute towards the strengthening of the electricity network and climate change objectives, and due to the lack of conflict with the development plan, it is recommended that planning permission be granted.

### RECOMMENDATION

**The recommendation is to grant planning permission subject to the following conditions:**

1. The development hereby permitted shall begin 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. Within six months of commencement of development on the site, a scheme for the decommissioning and restoration of the development shall have been submitted to and approved by the Local Planning Authority. The scheme shall include how the land will be restored back to fully agricultural use (apart from the retention of the planting as a valuable addition to the landscape), upon the development no longer being in operation or upon the expiry date of 40 years from the date of the development from the date electricity is first stored or distributed to/from the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out within six months of the expiry date of this permission in accordance with the approved scheme.

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

3. The Local Planning Authority shall be notified in writing within one month of the event that the development hereby approved has started to store or distribute electricity to/from the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 40 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

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

4. The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans:
- Drawing 3077-01-01 Site Location Plan
  - Drawing 3077-01-02 Statutory Plan Rev B
  - Drawing 3077-01-03 General Arrangement Rev D
  - Drawing 3077-01-04 Battery Storage Container
  - Drawing 3077-01-05 Inverter-Transformer Stations
  - Drawing 3077-01-06 Transformer
  - Drawing 3077-01-07 Switchgear Container
  - Drawing 3077-01-08 LV Switchgear Container
  - Drawing 3077-01-09 Fencing and Security
  - Drawing 3077-01-10 Existing Site Plan Rev A
  - Drawing 3077-01-11 Rev. B Landscape Design

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

5. Notwithstanding the details shown on the approved plans, no development shall commence on site until details of the materials, colour and finish of any built structures and containers, poles, fencing, gates etc., 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 first brought into use and retained as such for the lifetime of the development.

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

NOTE: The use of neutral earth tone colours for elevational building / container treatments (including roof materials) and security fencing is important in this rural area. The use of white or light-coloured materials / finishes on containers and battery storage units or other infrastructure elements must be avoided and only used if functionally necessary.

6. The proposed soft landscaping scheme, as shown on the Landscape Design drawing (no. 3077-01-11 Rev. B) but subject to the amendments identified below, shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

The amendments to the Landscape Design drawing (no. 3077-01-11 Rev. B) shall be as follows:-

- The *Tilia cordata* (Small leaved lime) as noted in the plant schedules needs to be replaced with *Quercus robur* as this the predominant hedgerow specimen tree species on the Braydon Wooded Plateau on the Minety Rolling Clay Lowlands. The specimen tree planting centres will also need to be increased. Currently they looked to be planted at 5m centres which is not characteristic of the rolling clay lowlands hedgerows. A more random spacing of 10-15m will allow the trees more room to mature over time.
- The hedgerow planting whips shall be increased in size from 40-60cm to 150-180cm bare root feathered stock to provide better initial screening as per my previous comment.
- The *Rosa canina* shall be removed and replaced with *Ilex aquifolium* (holly) to give some evergreen screening during the winter months.

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

7. The development hereby permitted shall be carried out in accordance with mitigation measures to control noise detailed within section 7.4 of the Noise Impact Assessment (January 2022) by NVC Ltd and the level of noise emitted from the site shall not exceed the maximum level detailed within the assessment.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

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

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

9. No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:

- 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. Details of vehicle routing to the site
- vi. Detailed site logistics arrangements;
- vii. Details regarding parking, deliveries, and storage;
- viii. Details of the measures to control the emission of dust, dirt and noise during construction;
- ix. 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
- x. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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.

10. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Ecological 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 great crested newts.

- c) 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.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) 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.

11. No development shall commence until a pre-construction highway photographic survey to be carried out from the site access eastbound along Eighty Acres (C67) to its junction with Ravensroost Rd (C76) has been carried out. Upon completion of the construction phases, a post construction survey shall be carried out at the same location. Details and results of both before and after survey shall have been submitted to the Council as the Highway Authority within 3 months of the first operation of the development. Those submitted details and results shall be accompanied by a plan and timing schedule for the repair of any damage identified and attributable to the construction of the development, to be carried out at the expense of the applicant, which shall have been agreed in writing with the Local Planning Authority beforehand.

REASON: So as to secure a scheme for the repair of the public highway following completion of substantive construction works

12. 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 details have been submitted to and approved in writing by the local planning authority. Illumination levels shall not exceed those specified for Environmental Zone 1 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)". 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.

13. The development hereby permitted shall be carried out in full accordance with the recommendations and mitigation measures detailed within the Tree Survey Report (October 2021), Arboricultural Method Statement (January 2022), Arboricultural Impact Assessment (January 2022), and Tree Protection Plan (January 2022), all by ARBTECH.

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

14. 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

15. Notwithstanding the contents of the Flood Risk & Surface Water Drainage Assessment (October 2022) by KRS Environmental, no development shall commence on site until a scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

NOTE: The Lead Local Flood Authority advises the following updates will be required to the scheme presented within the aforementioned assessment:-

- The detailed design of the perforated pipes that will underlay the crushed stone base.
- The proposed site drainage plan showing the exceedance routes (overland flow paths) as arrows and confirmation that the finished floor levels above the maximum predicted 100 year flood level.

16. No development shall commence on site until details of the drainage arrangements during the construction phase have been submitted to and approved in writing by the Local Planning Authority.

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

#### INFORMATIVE

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

#### INFORMATIVE

There is a risk that great crested newts could occur on the development site. This species and its resting places are legally protected Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Wildlife and Countryside Act 1981 (as amended). Planning permission does not provide a defence against prosecution. The developer is advised to undertake site clearance and construction in accordance with the recommendations made by an independent ecologist. If this species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist.

#### INFORMATIVE

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.

#### INFORMATIVE

The attention of the applicant is drawn to the recommendations made by the Dorset and Wiltshire Fire and Rescue Service as outlined within their consultation response to the application, dated 16 December 2022, and the guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).



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