

## 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

### 1. Background

The application was 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 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. There has been a slight delay in bringing the application back to committee due to the complexity of the work the applicants have undertaken to address the issues raised by the Committee.

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 400kV substation Extension, Wiltshire. Biodiversity Net Gain (BNG) Report. Document Reference: 9236.007. (The Environment Dimension Partnership, 5th July 2023).
- Minety Substation Extension Minety, Wiltshire Dormouse Mitigation Strategy. Document Ref: 9236.005. (The Environment Dimension Partnership, June 2023).
- Habitat Impact. Drawing Number: G9236.015D. (The Environment Dimension Partnership, 11/08/2022).
- Figure E3. Specification for Mitigation/ Compensation. Drawing Number: G9236.021D.1 (The Environment Dimension Partnership, 22/03/2023).
- Figure E3. Specification for Mitigation/ Compensation. Drawing Number: G9236.021D.2 (The Environment Dimension Partnership, 22/03/2023).

National Grid have agreements with surrounding landowners to acquire land for sufficient mitigation and compensation so the need for a financial contribution to biodiversity mitigation is unnecessary.

The submitted Biodiversity Net Gain (BNG) Report and Dormouse Mitigation Strategy detail a package of measures to reduce, mitigate and compensate previously discussed impacts on Stonehill Wood (Local Wildlife Sites LWS and ancient woodland), Park Copse (LWS and ancient woodland), semi-natural broad-leaved woodland and the rare and protected species they support. Briefly these measures include:

- 4.61h and 0.81ha of woodland and scrub creation respectively.
- New native hedgerow planting.
- Creation of new corridors for dormice dispersal (dead hedging).
- Rural tree planting.
- Enhancement of retained woodland.

The new woodland and scrub habitat will provide habitat greater in area than that which is to be lost at a ratio of 4:1 (provided: lost). Figures E3 Specification for Mitigation/ Compensation (Drawing Number: G9236.021D.1 and G9236.021D.2) show new habitat is to be located in a 15m wide buffer at the northern and western boundary of Park Copse and at the southeast corner of Stonehill Wood. In these locations the new habitat, once established, will provide a buffer to the ancient woodland and ensure connectivity is retained and enhanced. Collectively the package of measures would therefore provide a suitable woodland compensation scheme and ensure adverse impacts on protected species such as dormice and bats are mitigated.

The delivery of the mitigation and compensation measures in full will ensure no net loss in biodiversity resource and secure the integrity of local ecological networks. In addition once established the mitigation and compensation measures will deliver gains in biodiversity. The development is therefore compliant with Core Policy 50 in this respect.

The Councils Ecologist and the Environment Agency have subsequently been consulted on the additional information and have removed their previous objections.

The officer's recommendation is therefore to grant planning permission in accordance with the original officer's report set out at appendix A with an updated set of conditions. The additional conditions include;

7. Scheme for the delivery of mitigation and compensation measures.
8. Habitat Management and Monitoring Plan
9. Landscaping Scheme

## 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. 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
- Minety 400kV substation Extension, Wiltshire. Biodiversity Net Gain (BNG) Report. Document Reference: 9236.007. (The Environment Dimension Partnership, 5th July 2023).
- Minety Substation Extension Minety, Wiltshire Dormouse Mitigation Strategy. Document Ref: 9236.005. (The Environment Dimension Partnership, June 2023).
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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 agree 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:
- a) *Identification of ecological protection areas/buffer zones around ecological receptors including but not exclusively; Coatley Farm SSSI, Park Copse, Stonehill Wood, woodland, scrub, species-rich grassland, hedgerows and trees.*
  - b) *Details of physical means of protection of the ecological protection areas e.g. exclusion fencing.*
  - c) *Working method statements for protected/priority species, such as dormice, bats (roosting and foraging), amphibians (great crested newts) nesting birds and reptiles.*
  - d) *Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.*

*e) Details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.*

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

*g) 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 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.

**Scheme for the delivery of mitigation and compensation measures.**

7. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works a scheme for the delivery of all the mitigation and compensation measures (on-site and off-site) as detailed in the following documents shall be submitted to and approved by the local planning authority:
  - Minety 400kV substation Extension, Wiltshire. Biodiversity Net Gain (BNG) Report. Document Reference: 9236.007. (The Environment Dimension Partnership, 5th July 2023).
  - Minety Substation Extension Minety, Wiltshire Dormouse Mitigation Strategy. Document Ref: 9236.005. (The Environment Dimension Partnership, June 2023).
  - Habitat Impact. Drawing Number: G9236.015D. (The Environment Dimension Partnership, 11/08/2022).
  - Figure E3. Specification for Mitigation/ Compensation. Drawing Number: G9236.021D.1 (The Environment Dimension Partnership, 22/03/2023).
  - Figure E3. Specification for Mitigation/ Compensation. Drawing Number: G9236.021D.2 (The Environment Dimension Partnership, 22/03/2023).

The scheme shall include how the mitigation and compensation land is managed and monitored in accordance with a Habitat Management and Monitoring Plan (HMMP) and secured for the lifetime of the development.

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

**Habitat Management and Monitoring Plan**

8. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works a Habitat Management and Monitoring Plan (HMMP) must be submitted to and approved by the local authority. For further information please refer to the guidance at: Understanding biodiversity net gain - GOV.UK ([www.gov.uk](http://www.gov.uk))

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

**Landscaping Scheme**

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

- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- all hard and soft surfacing materials;

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

10. 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.

11. 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.
12. 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.

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

The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

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

14. 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.

15. 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.

16. 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.

#### INFORMATIVE Artificial Lighting

The habitat within the proposed development site and the surrounding area is suitable for roosting, foraging and commuting bats. An increase in artificial lux levels can deter bats which would result in roost abandonment and/or the severance of key foraging areas. This will likely result in a significant negative impact upon the health of bat populations across the region. Artificial light at night can have a substantial adverse effect on biodiversity. Any new lighting should be for the purposes for safe access and security and be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

#### INFORMATIVE District Level Licence (DLL) for Great Crested Newts

The scheme will be operating under a District Level Licence (DLL) for Great Crested Newts. Great Crested Newts are protected under Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). Planning permission for development does not provide a defence against prosecution under this legislation.

INFORMATIVE For applications where an EPSL is required.

Woodland and scrub habitats within the development site are known to support dormice. Under the Conservation of Habitats and Species Regulations 2019 (as amended), it is an offence to harm or disturb dormice or damage or destroy their resting places. Planning permission for development does not provide a defence against prosecution under this legislation. The applicant is advised that a European Protected Species Licence will be required before any work is undertaken to implement this planning permission.

INFORMATIVE For applications where there is a risk to roosting bats.

There is a risk that bats may roost in trees at the development site. Bat roosts are protected all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist.