

AGENDA

Meeting: Strategic Planning Committee

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

Date: Wednesday 10 August 2022

Time: 10.30 am

Please direct any enquiries on this Agenda to Tara Shannon of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.shannon@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

Membership:

Cllr Howard Greenman (Chairman)
Cllr Tony Trotman (Vice-Chairman)
Cllr Ernie Clark
Cllr Adrian Foster
Cllr Sarah Gibson
Cllr Carole King

Cllr Christopher Newbury
Cllr Pip Ridout
Cllr James Sheppard
Cllr Elizabeth Threlfall
Cllr Robert Yuill

Substitutes:

Cllr Helen Belcher
Cllr Clare Cape
Cllr Ruth Hopkinson
Cllr George Jeans
Cllr Dr Nick Murry

Cllr Andrew Oliver
Cllr Stewart Palmen
Cllr Nic Puntis
Cllr Bridget Wayman
Cllr Graham Wright

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Public Participation

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

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

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

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

AGENDA

Part I

Items to be considered when the meeting is open to the public

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (Pages 5 - 10)

To approve and sign as a correct record the minutes of the meeting held on 27 July 2022.

3 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to speak either in favour or against an application or any other item on this agenda are asked to register **no later than 10.20am on the day of the meeting**. If it is on the day of the meeting registration should be done in person.

The rules on public participation in respect of planning applications are linked to in the Council's Planning Code of Good Practice. The Chairman will allow up to 3 speakers in favour and up to 3 speakers against an application, and up to 3 speakers on any other item on this agenda. Each speaker will be given up to 3 minutes and invited to speak immediately prior to the item being considered. Representatives of Parish Councils are included separately in the speaking procedure, please contact the officer listed for details.

Members of the public 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 3 August 2022 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 5 August 2022. 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**

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **PL/2021/06100: Land to the south of the M4 at Leigh Delamere, to the west of Leigh Delamere Motorway Services, Chippenham** (Pages 11 - 74)

The installation of a solar farm of up to 49.9MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including customer cabin, customer substation, DNO substation and equipment, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting and associated works.

7b **20/06554/FUL: Land at Empress Way, Ludgershall, Wiltshire** (Pages 75 - 108)

Erection of 190 dwellings, car parking, access including extension to Empress Way, green infrastructure including open space and landscaping, infrastructure, drainage, utilities and engineering works. Off-site highway works at junction of Astor Crescent / Empress Way and Tidworth Road. Land reserved for 2-form entry primary school.

8 **Urgent Items**

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

Part II

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

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 27 JULY 2022 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Carole King, Cllr Christopher Newbury, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Robert Yuill and Cllr Bridget Wayman (Substitute)

Also Present:

Cllr Nick Botterill, Cllr Matthew Dean, Cllr Gordon King, Cllr Antonio Piazza and Cllr Horace Prickett

101 **Apologies**

Apologies were received from Cllr Tony Trotman and Cllr Pip Ridout. Cllr Ridout was substituted by Cllr Bridget Wayman.

102 **Minutes of the Previous Meeting**

The minutes of the meeting held on 15 June 2022 were presented for consideration, and it was,

Resolved:

To approve and sign the minutes as a true and correct record.

103 **Declarations of Interest**

The Chairman noted the constitutional guidance to Members on determination of items considered by the Committee.

There were no declarations of interest.

104 **Chairman's Announcements**

The Chairman made the following announcements:

- 1) Going forward all meetings of the Strategic Planning Committee and the Western Area Planning Committee will be streamed and recorded to take advantage of the new AV system.
- 2) Explained the process in the event of a fire alarm, requested that everyone turn their phones and laptops to silent during the meeting and indicated that comfort breaks would be taken throughout the meeting as and when needed.

105 **Public Participation**

The procedure for public speaking was detailed. It was noted that the Chairman had exercised discretion available under the proscribed procedure to double the number of slots for objecting and supporting members of the public.

The Committee's exercising of the role of local Planning Authority and need to follow local and national planning policy was noted.

106 **Planning Appeals and Updates**

A written update on appeals received between 8 April 2022 and 15 July 2022 was received from the Head of Development Management.

The Committee heard from Francis Morland who reported that the officer recommendation for the Drynham Lane, Trowbridge entry should have been recorded as 'Refused with Reasons' rather than 'Approve with Conditions' as agreed by the Committee at a previous meeting.

The Head of Development Management acknowledged the matter and confirmed that this would be corrected in the minutes for this meeting.

Cllr Adrian Foster commented on minutes from the Committee's meeting held on 15 June 2022 and asked if the Committee could receive an update on the latest position in relation to the 5 year housing land supply. The Head of Development Management confirmed that a report could be prepared for consideration at a future meeting of the Committee.

107 **20/06775/WCM - Northacre Energy from Waste Facility, Stephenson Road, Northacre Industrial Estate, Westbury, BA13 4WD**

Public Participation

Dr Andrew Murrison MP, South-West Wiltshire, spoke in objection to the application.

Lorraine Alford spoke in objection to the application.

Lynn Roberts, Arla Foods, spoke in objection to the application.

Ian Cunningham, local resident, spoke in objection to the application.

Bill Jarvis, Wiltshire Climate Alliance, spoke in objection to the application.

Jane Russ, local resident, spoke in objection to the application.

David Jenkins spoke in objection to the application.

Cllr Mike Sutton, Westbury Town Council, spoke in objection to the application.

Karin Elder, North Bradley Parish Council, spoke in objection to the application.

The Chairman set out the background to the Committee's previous consideration of the planning application and decisions taken on 22 June 2021 and 20 April 2022, along with relevant detail set out in the report. He reminded the Committee that issues considered by the Committee at previous meetings should not be revisited at this meeting.

Andrew Guest, Head of Development Management, presented a report which recommended that the Committee delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the deciding authority that it would have granted planning permission, subject to conditions, for the Northacre Energy from Waste Facility, Stephenson Road, Northacre Industrial Estate, Westbury.

In addition, the report highlighted the following:

- Two further new material considerations since 20 April 2022, being the implementation of planning permissions 8/9473/WCM for an 'Advance Thermal Treatment Facility' at the site and 19/02481/FUL for an 'underground grid connection'; and an Environmental Permit being issued;
- Details of an appeal against non-determination;
- Responses to reasons for deferral agreed at the Committee meeting on 20 April 2022;
- Traffic impacts of the development in light of the Bath Clean Air Zone and its implications on traffic levels on the A350 (in particular through Westbury); and
- Counsels' opinion on the officers report and recommendation.

Officers reminded the Committee that any changed circumstances and new material considerations since the Committee meeting in June 2021 were addressed in the April 2022 report and this report. The Head of Development Management explained that this report focussed on questions raised by the Committee in April 2022 and on further new considerations since then. He was very clear in advising the Committee that for the reasons set out in the report, there had been no changes that should lead the Committee to conclude differently in its assessment of the application, accordingly, the Committee was recommended to endorse its original decision to grant planning permission subject to conditions, as highlighted above.

The Committee were informed that in view of the appeal against non-determination, the Council is no longer the decision-making authority for the application. By appealing, the applicant had passed this responsibility to the Secretary of State (administered by the Planning Inspectorate), and this was reflected in the officer recommendation.

It was also explained that a number of further representations had been received since publication of the agenda, all in objection, and the Head of Development Management responded to the main issues raised during the meeting.

Members then had the opportunity to ask technical questions of the officers present. Details were sought on impact on traffic flows to and from the site and generally within the county boundary; the capacity of the site in comparison to need in a sub-regional context; that assumptions were being

made of the Clean Air Zone's impact on traffic movements in the Westbury area due to the independent transport assessment being undertaken by Tolvik prior to the introduction of the Bath Clean Air Zone; the options open to the Committee to agree a way forward and the impact of the decision made; the assumption that controls on plume direction and particulates would be in place following the issue of the environment permit by the Environment Agency; the impact on residential amenity; the movement of commercial and industrial waste out of the county; how waste is managed over the next 20 years; the weight given to the DEFRA consultation on Environmental Targets required by the Environment Act and specifically the proposed target for 'halving the waste that ends up at landfill or incineration by 2042'; impact on the local environment and controlled waters; the discharge of surface water to the foul water network; how ash would be transported between sites and the weight given to objections from Parish and Town Councils.

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

Councillor Gordon King, Unitary Member for Westbury East, then spoke in objection to the application. He highlighted the opposition from residents in Westbury and the many surrounding parishes in the region, with concerns around potential pollution and poor air quality. In addition to health concerns there were concerns on the impact of achieving carbon reduction climate targets, that the proposed incinerator did not meet best available techniques, that it would consume recyclable materials, involved transportation of much waste from outside Wiltshire, and would have significant environmental impacts.

A statement was then read on behalf of Councillor Suzanne Wickham, Ethandune Division, in objection to the application. This highlighted concerns over the impact on highways and traffic in particular on the villages around Westbury, on the landscape as it was stated the proposal was contrary to Core Policy 51, and air quality in respect of Core Policy 55.

The local Unitary Division Member for the site within Westbury West, Councillor Matthew Dean, then spoke at length in objection to the application. He stated 1 in 10 residents of Westbury had contacted the council to object to the application, an unprecedented level of interest and opposition for a planning matter. He detailed the planning history of the site, stating that at no point had it been envisaged to include incineration, or be of such a nationally significant scale. He noted a previous refusal of an application on the grounds of scale, and considered the larger proposal could similarly be refused. He raised the issue of housing which would be visible from the site, and the significant traffic problems which already existed in Westbury, and that the cumulative impact of any such proposal was too much. He considered there was no community benefit to the proposals, and noted the objections of Arla Foods to the potential impact on their dairy production business and its many employees, which he said had not been addressed by the applicants. He also commented on the weight being given to the DEFRA consultation on Environmental Targets

required by the Environment Act and urged the Committee to reconvene once the results of the consultation were published.

The Committee then took a break from 13.48-14.05.

Cllr Christopher Newbury left the meeting at 14.00.

The Committee then debated the application. The very high number of objectors to the application including from many local and regional parishes was noted. Officers explained the process for the application being considered at appeal by the Planning Inspectorate and encouraged the Committee to ensure that a decision is made at this meeting for either a grant or refusal. Officers also pointed out that the Planning Inspector would take into account any changes in circumstances, as detailed in the report, at the appeal.

Cllr Sarah Gibson moved that the Committee, if Wiltshire Council was still the decision-making authority in this case, would have refused the planning application. This was seconded by Cllr Carole King.

The Committee commented on the following - that the proposals were contrary to a number of policies relating to managing the impact of waste and sustainable transport of waste; that attention should be given to the consistent evidence on air pollutants and their effect on health outcomes; concerns raised on the impact on climate change and damage to the local economy; impacts on the water sources and storage plan; the weight given to the DEFRA consultation on Environmental Targets required by the Environment Act; increasing traffic flows through Westbury and subsequent impacts on air quality; traffic congestion in Westbury and surrounding villages and the impact of the Bath Clean Air Zone.

Officers advised the Committee that the reasons raised during the debate to refuse the application would be difficult to defend at appeal. It was suggested that the Committee vote on the motion and that any reasons for refusal are delegated to the Head of Development Management, in consultation with the Chairman, after the meeting.

On the motion of Cllr Gibson, seconded by Cllr Carole King, at the conclusion of debate it was,

Resolved:

That having taken into account all relevant new material considerations together with the environmental information previously considered, to delegate authority to the Head of Development Management to inform the Planning Inspectorate that had Wiltshire Council still been the decision-making authority that it would have refused planning permission.

Note:

The committee delegated final preparation of its reasons for refusal to the Head of Development Management in consultation with the Chairman.

A recorded vote having been requested by the requisite number of members, the vote was as follows:

For the motion (8)

*Cllr Ernie Clark
Cllr Adrian Foster
Cllr Sarah Gibson
Cllr Howard Greenman
Cllr Carole King
Cllr James Sheppard
Cllr Elizabeth Threlfall
Cllr Robert Yuill*

Against the motion (1)

Cllr Bridget Wayman

Abstention (0)

108 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.35 am - 3.40 pm)

The Officer who has produced these minutes is Stuart Figini of Democratic Services, direct line 01225 718221, e-mail stuart.figini@wiltshire.gov.uk

Press enquiries to Communications, direct line ((01225) 713114 or email communications@wiltshire.gov.uk

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	10 August 2022
Application Number	PL/2021/06100
Site Address	Land to the south of the M4 at Leigh Delamere, to the west of Leigh Delamere Motorway Services, Chippenham
Proposal	The installation of a solar farm of up to 49.9MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including customer cabin, customer substation, DNO substation and equipment, inverter and transformer substations, spare part container, associated battery storage, access tracks, fencing, security cameras, landscape planting and associated works
Applicant	Eden LD Solar Ltd
Town/Parish Council	GRITTLETON CP; KINGTON ST. MICHAEL CP
Electoral Division	BY BROOK / KINGTON – Cllr Botterill / Cllr Greenman
Grid Ref	388019 178626
Type of application	Full Planning
Case Officer	Jonathan James

Reason for the application being considered by Committee

The application has been called in to Committee by Cllr Nick Botterill if there is a recommendation for approval by officers. The application seeks planning permission for a large-scale solar farm, that has received a substantial level of representations made both in objection and support. Major development of this type has, by its nature, wider strategic implications and raises issues of more than local importance.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved subject to conditions.

2. Report Summary

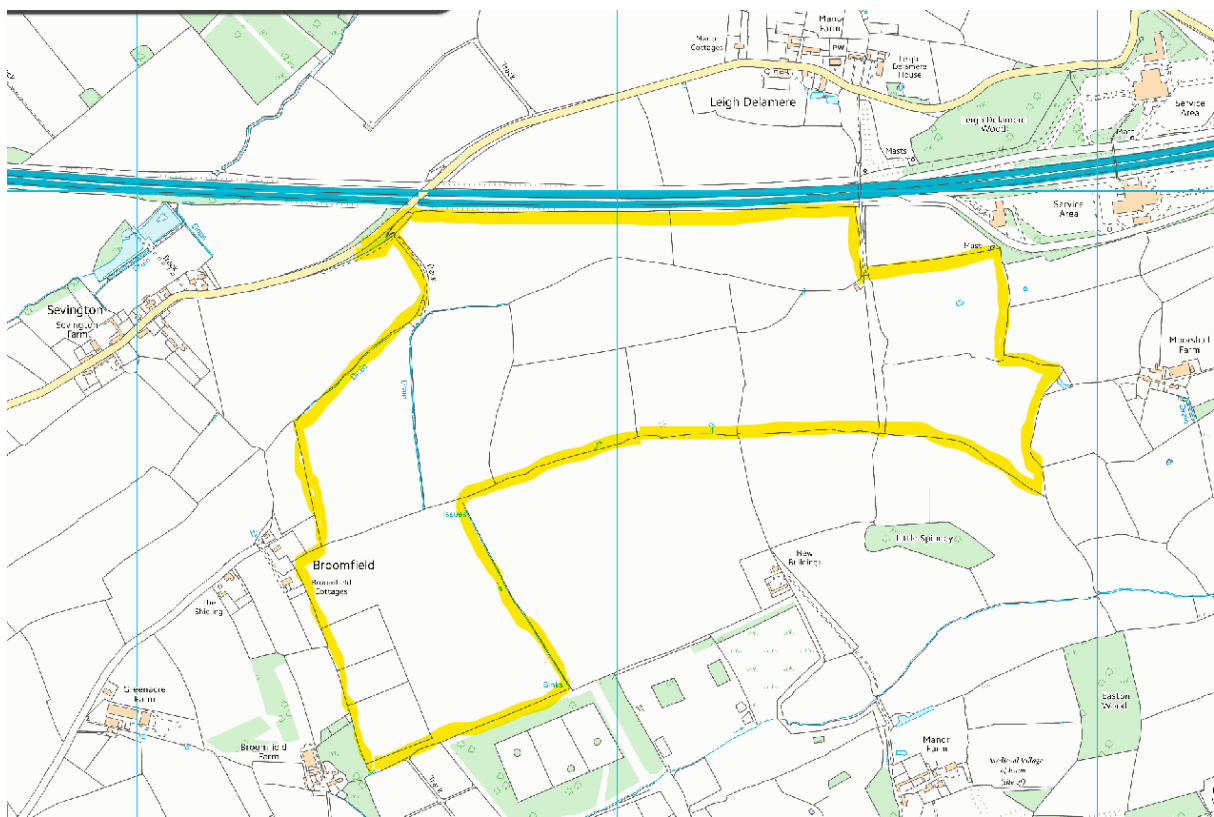
The application has been the subject of consultation and publicity, including site notices, press notice, neighbour notification and publication on the Council's website. Representations received include 206 letters raising objection and 164 letters in support; it should be noted that there is repeat correspondence in both some of the objections and in some of the supports. There has also been a petition of 99 signatures from Yatton Keynall and a petition of 26 signatures from Sevington objecting to the proposed scheme.

The main issues to be considered are:

- Whether the proposal is acceptable in principle;
- Whether the proposal would result in the loss of best and most versatile agricultural land;
- Whether the proposal would be harmful in terms of its landscape and visual impact;
- Whether the scheme would give rise to an adverse impact on residential amenity;
- Whether the proposal would have an adverse impact upon highway safety or public rights of way;
- Whether the scheme would cause harm to protected species and/or their habitats;
- Whether the scheme would cause harm to the historic environment; and
- Whether the proposal would result in any other adverse environmental impacts.

3. Site Description

The application site is located within open countryside on land to the south of the M4 at Leigh Delamere, to the west of Leigh Delamere Motorway Services near to Chippenham. The site is located approximately 230metres to the south of Leigh Delamere and approximately 400 metres to the east of Sevington. Kington St Michael lies approximately 1.1 kilometres to the southeast of the site. The site is not located within any designated protected landscape; however, the boundary of the Cotswolds Area of Outstanding Natural Beauty (AONB) lies approximately 850 metres to the west of the site.



Site location – site outlined in yellow

The site lies within Grittleton and Kington St Michael parishes, although access to the site would be through adjoining parishes. The M4 forms the northern boundary of the site. Vehicular access into the site would be off the Sevington to Leigh Delamere highway via an existing access gate. The site comprises agricultural fields bounded by a mixture of hedgerow, interspersed with trees and fencing. To the east and west of the site are existing public rights of way; GRIT18 runs through the eastern part of the site, connecting with KSTM17 on the

southern boundary, with GRIT31 located on the eastern boundary; GRIT15 runs through the western part of the site with GRIT14 connecting at the western boundary of the site.

To the north is Leigh Delamere conservation area and to the west is Sevington conservation area. On the western boundary of the site is the Grade II Listed 'Park Farm Cottage', which lies approximately 45 metres from the site boundary and approximately 100 metres to the nearest solar panel within the site.

4. Planning History

There is no relevant planning history pertaining to the application site (i.e. no previous applications submitted on the site that are of relevance to the proposal).

Objections received make reference to planning application 13/04647/WCM for a large bund to the south of the village of Leigh Delamere (north of this site). The bund was proposed to be created from inert waste material over a period of two years with 24 lorry movements per day, although this figure was questioned as there was insufficient detail submitted on the application.

The application was refused for five reasons, namely the principle of development outside of an allocated location for this type of development; inadequate details and justification for the raising of the land; impact on the character and appearance of the historic environment without sufficient public benefit; impact on neighbour amenity through the prolonged development phase; and the surrounding highways along which the generated traffic would travel were considered unsuitable.

At appeal (APP/Y3940/W/16/3147707) on this application, the Inspector found that the highway safety implications of the development proposed would only be acceptable subject, among other things, to compliance with a lorry routing strategy; and, in the absence of any mechanism to secure that, there would be significant implications for highway safety. Whilst the Inspector found no harm to the special interest of nearby listed buildings, or to the heritage significance of the Conservation Area once the bund was complete, he felt that there would be harm during the construction phase of two years and that there were only modest public benefits to overcome this harm. It was noted during this appeal that there was an apparent shortage of such inert waste on two other land restoration projects, and this raised questions as to the length of time that may be required to complete the bund. The Inspector was therefore not persuaded that the benefits overcame the harm. The scheme was found to be contrary to the requirements of the policies of the development plan and so rejected.

It must be noted that each case is dealt with on its own merits and also that there has been a policy change since the 2013 application with several amendments to the NPPF and the adoption of the Wiltshire Core Strategy. There are specific policies relating to the delivery of solar farms, namely Core Policy 42 for standalone renewable energy installations, and it is against the criteria of this policy which the application will need to be assessed.

5. The Proposal

The proposal is for the installation of a solar farm of up to 49.9MW of generating capacity, comprising the installation of solar photovoltaic panels and associated infrastructure including customer cabin, customer substation, DNO substation and equipment, inverter and transformer substations, spare part container, associated battery storage (40MW), access tracks, fencing, security cameras, landscape planting and associated works. The proposal will include a private wire connection to Leigh Delamere services in order to provide clean electricity and assist with anticipated expansion of EV charging which will require a substantial increase in electricity supply.



Map – proposed site layout

The PV panels will generate direct current that will be converted to alternating current using 11 inverters and transformers, located appropriately throughout the site. The electricity will then be converted from low voltage to high voltage via transformers in the same housings as inverters for export to the electricity grid. The proposal includes the following associated infrastructure:

- 11 central inverter and transformer substation cabins (each 12.2m x 2.44m and 3.1m high)
- One Distribution Network Operator (DNO) station (6.1m x 4.12m and 2.93m high)
- One customer cabin (12m x 4.54m and 2.77m high)
- One customer substation (6.59m x 2.65m and 3.64m high)
- One spare parts container (6.1m x 2.44m and 3.11m high)
- 20 battery storage containers (each 16.15m x 2.44m and 3.0m high)
- Deer proof fencing along the site boundary with access gates (at approx. 2.0 – 2.1m high)
- Secured security cameras (from the plans approx. 53 – 40 to the main compound and 13 to the smaller compound to the east – the cameras are placed around the security compound at intervals)
- Intruder detection system (IDS) fence sensor

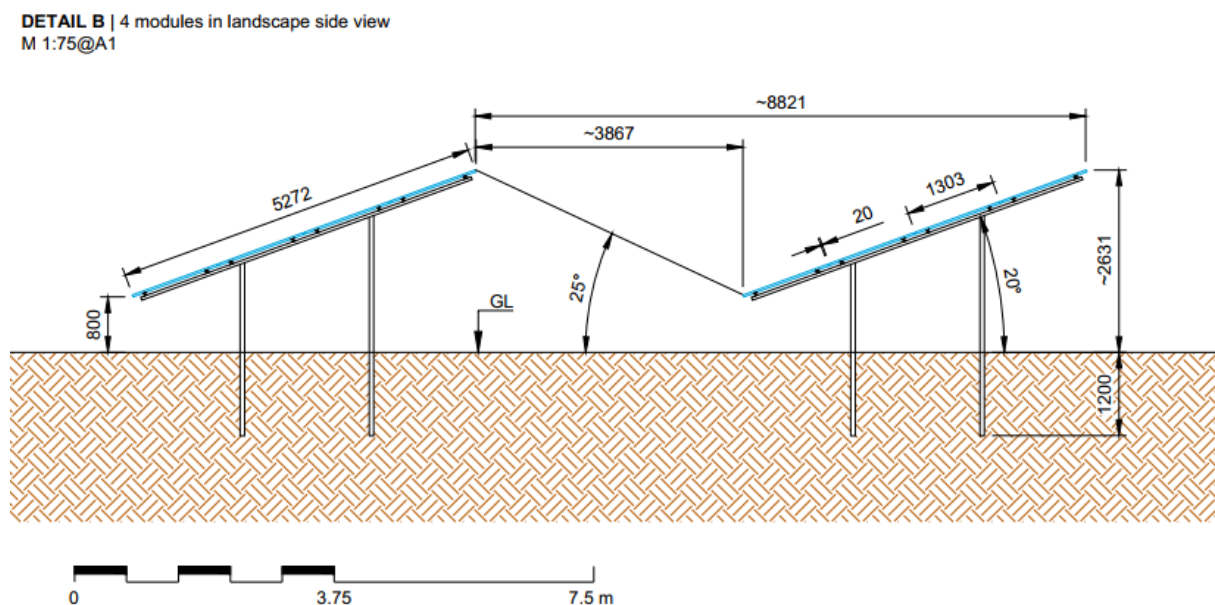
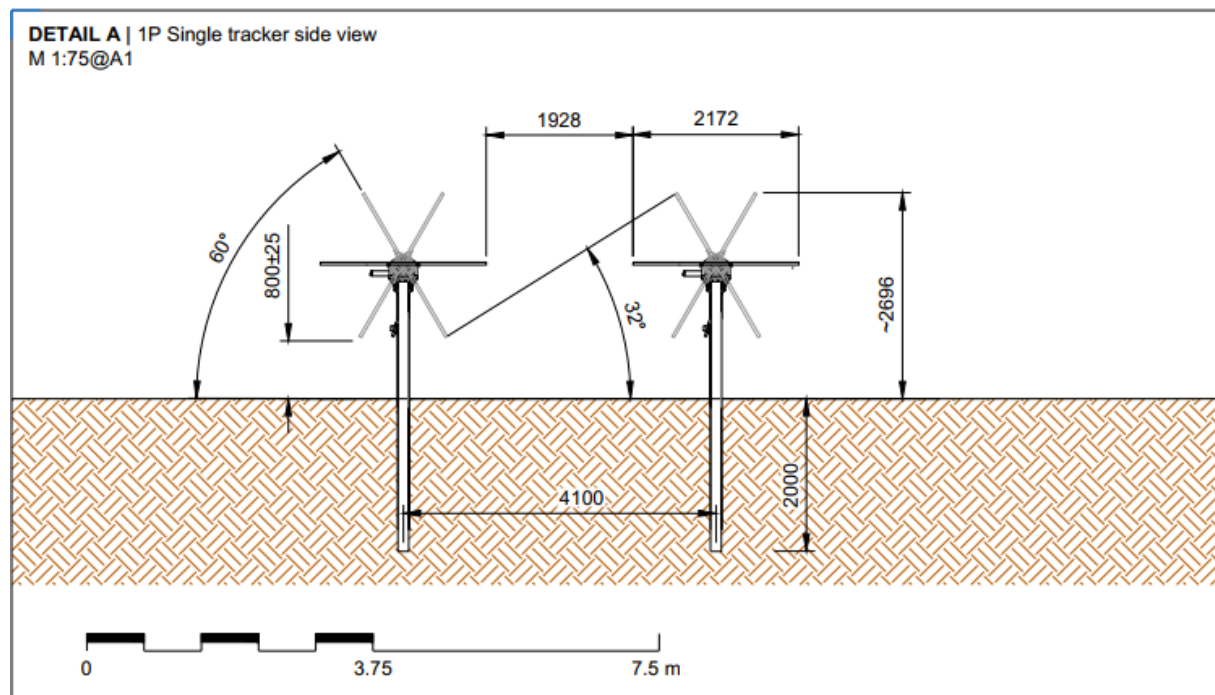
[See Appendix 1 for typical details of the above operations]

The DNO, customer substation, and spare parts container will be located centrally within the site and the customer cabin will be positioned at the northwest entrance gates. The central inverter cabins and storage containers will be located at appropriate positions across the site (in central locations with solar panels around them). The closest location between a site of the storage units and inverter is approximately 290m east of Broomfield House and Park Farm Cottage.

The colour of the cabinets and battery storage containers will be dark green (RAL 6007). The fencing will be deer fencing with wooden timber posts and galvanised high tensile deer fencing mesh as illustrated on drawing EDR1005-217. The fence will not breach the hedgerows but

will have security rods through the hedge that will allow the passage of wildlife along the hedgerows. The fence will be raised off the ground level by 100mm to allow for the movement of small animals, reptiles and amphibians across the site. Two different heights of CCTV poles are proposed; for more visually sensitive areas in proximity to residential properties and adjacent to bridleways a height of approximately 2m will be used, with taller poles (approximately 3m) across other parts of the site. The CCTV will be mounted on wooden poles and the cameras will be black in colour as illustrated on EDR1005-215. The solar panel legs will be driven into the ground thereby minimising the impact on the site and allowing for easy removal to revert back to sole agricultural use after the solar farm has ceased generating electricity.

There are two proposed types of solar panels, tracking units (Detail A below) and fixed modules (Detail B below).



The indicative cable route would run from the south-eastern point of the solar farm towards the A350 and then southwards to the existing substation on Cocklebury Lane, on the north-eastern side of Chippenham. The first part of the route to the A350 will pass through agricultural fields to the north and east of Kington St Michael. The route will then follow the A350 to the roundabout at the northern point of Chippenham and subsequently utilise the public highway where possible along the north-eastern edge of Chippenham, linking to the existing sub-station on Cocklebury Lane. The cable would be sited below ground for the whole of its length.

The proposed solar farm would generate renewable energy to power the equivalent of approximately 13,825 typical homes and thereby saving approximately 20,000 tonnes of carbon dioxide annually.

The scheme has undergone some revisions and the submission of additional information following concerns and objections raised on the scheme. The necessary and appropriate consultations have taken place and it is on the revised/additional details that this recommendation is made.

6. Planning Policy

Wiltshire Core Strategy 2015 (WCS)

- CP3 – Infrastructure Requirements
- CP34 – Additional employment land
- CP42 – Standalone renewable energy installations
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP52 – Green Infrastructure
- CP55 – Air Quality
- CP56 – Land Contamination
- CP57 – Ensuring High Quality Design and Place Shaping
- CP58 – Ensuring the Conservation of the Historic Environment
- CP60 – Sustainable Transport
- CP61 – Transport and New Development
- CP62 – Development Impacts on the Transport Network
- CP64 – Demand Management
- CP67 – Flood Risk
- CP68 – Water Resources

Saved Policies for the North Wiltshire Local Plan

- NE12 Woodland (saved Local Plan policy);
- NE14 Trees, Site Features and the Control of New Development
- NE18 Noise and pollution
- T5 Safeguarding

Wiltshire Local Transport Plan 2011 – 2016: Car Parking Strategy (March 2011).

National Planning Policy Framework (NPPF) (2021)

Planning Practice Guidance (PPG)

Historic Environment Good Practice Advice in Planning Note 2 - Managing Significance in Decision taking in the Historic Environment HE 2015).

The site is located in countryside, however, there are identified heritage assets within the general area, including Grade II Listed Buildings and two Conservation Areas. From the point of view of the historic environment, a primary consideration is the duty placed on the Council under sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, to have special regard to the desirability of preserving any listed building or its setting or any features of special architectural or historic interest which it possesses and the setting of conservation areas.

Additional Guidance:-

- Cotswolds Area of Outstanding Natural Beauty (AONB) Management Plan 2018-2023;
- Cotswolds AONB Landscape Character Assessment particularly, in this instance, with regards to Landscape Character Type (LCT) 11 (Dip-Slope Lowland);
- Cotswolds AONB Landscape Strategy and Guidelines (link) particularly, in this instance, with regards to LCT 11, including Section 11.4;
- Cotswolds AONB Local Distinctiveness and Landscape Change;
- Cotswolds Conservation Board Position Statements (link) particularly, in this instance, with regards to the Renewable Energy Position Statement and Tranquillity Position Statement sections 4.4 and 5.2.

7. Consultation responses (a summary of the comments provided)

Grittleton Parish Council – Object;

In essence our objection to this proposal is that we believe it lacks detail and the content that is present shows:

- 1) it does not conform with core policies,*
- 2) it will take out of agricultural production a significant area for 40 years, more than a generation, and is an industrial intrusion into the landscape, and*
- 3) it will adversely affect the setting of the conservation areas of Sevington and Leigh Delamere, residents in Broomfield in Yatton Keynell Parish, and the context of the AONB*

A summary of points of objections cross referenced to core policies -

- 1) Core Policy 42: Standalone Renewable Energy Installations*
 - *Cumulative effects on landscape*
 - *Emissions*
- 2) Core Policy 50: Biodiversity and Geodiversity*
 - *Inadequate, unresourced management plan*
- 3) Core Policy 51: Landscape*
 - *Character of landscape*
 - *Soil quality*
 - *Drainage*
- 4) Core Policy 52: Green Infrastructure*
 - *Long term management*
 - *Amenity*
- 5) Core Policy 57: Ensuring High Quality Design and Place Shaping*
 - *Sustainability and safety of designs (including long term disposal and supply chain issues)*
- 6) Core Policy 58: Ensuring the Conservation of the Historic Environment*
 - *Impacts on historic environment*
- 7) Core Policy 62: Development Impacts on the Transport network*

- *Unlawful and unworkable routing proposals*

Scheme is considered non-compliant with Sections 15, para. 176, Section 16 para's. 199, 200 of the NPPF and with Natural England document referring to Agricultural Land Classification.

Cumulative impact with other solar farms must be considered on both landscape and the environmental impacts. Suggest the relevance of R (Pearce) v Secretary of State for Business, Energy and Infrastructure [2021] EWHC 326 (Admin), is important in the determination of this case (case overturned permission for a 'Nationally Significant Infrastructure Project; NSIP).

Concerned at the misleading data relating to emissions; questions what are the emissions impact. Habitat management plan is brief, strong concerns raised at the loss of ancient hedgerows and ancient woodland and catastrophic loss in biodiversity through this proposed development. WC needs to employ the 'precautionary principle' in assessing the cumulative impact on biodiversity. Lack of information relating to drainage.

Proposal is for a facility which will last for 40 years; this will create an industrial appearance into and otherwise agricultural landscape for more than a generation. 52 acres of the site are Soil Association Certified organic pasture, how will the development improve on this. Loss of productive Grade 3b land should be avoided. Sukie Tamplin Dip TP Dip Arch Cons IHBC MRTPI, in her report on appeal APP/Y3940/W/15/3005078, concludes that solar panels will have "a discordant, harsh and regimented feature" to the landscape. The intrusion of ranks of solar panels with their associated roadways, electrical equipment and batteries into this agricultural landscape is a major reason we object in terms of Core Policy 51.

How can the land continue as productive agricultural land, no provision mentioned as to how this can happen. ALC 3b land is not poor land, the natural environment will be more enhanced through keeping it productive. Does not comply with CP52. Impact on visual amenity for both residents and walkers along the public rights of way (including the Palladian Way) and enjoying the area is unacceptable. Inadequate compensation at the destruction of landscape and any social and environmental benefits of the area. Negative impact on green infrastructure.

Inappropriate 'shipping container' design for customer substations, customer cabins, inverters and battery storage units. Placing shipping containers in an agricultural setting will not be sympathetic to and conserving historic buildings and historic landscapes for the Hamlet of Sevington and Village of Leigh Delamere conservation areas. The containers will have to be replaced several times over the lifespan of the solar farm and likewise the panels will need to be replaced thereby unsustainable design. The technologies are subject to fire damage, with no indication of contingency plans to protect the environment or for clean-up. Human rights issues in the generation of the solar panels. We object to the proposal because there is insufficient information to judge if the designs are a sustainable and safe.

Heritage assessment does not pay sufficient attention to the contexts of the two conservation areas. Residents and the PC contend that the proposal will substantially harm the conservation area. The submission is lacking in detail and fails to cover all of the heritage and archaeology within the area. The application provides scant evidence of benefits to mitigate the impact on the landscape or historic environment and therefore, object again to the application on this basis.

The Transport Plan is one of the most underdeveloped parts of the proposal and shows no over-riding need that it should access the national primary route network. No acceptable routes to the site via the local highway network. The excessive heavy transport and increase in traffic movements will impact on safety along the routes to the site causing significant dangers to other road users.

Refer to WC Highways officers objection to Yatton Keynall Sevington routing; the circumstances have not changed therefore why has the highway officers comments on this matter. Three areas that WC Councillors should scrutinise are:

1. Inadequacies of the Transport Plan and highway safety
2. Omission of detailed work on the impact on the hamlet of Sevington and other impacts, including the effect of vibration on buildings
3. Battery safety

The B4039 is part of a long distance cycle route, crossed by footpaths and heavily used by cyclists and horse riders. The proposed route incorporates dangerous turns, with speed limits and poor visibility likely to lead to conflict between proposed traffic movements and vehicles using this route. Insufficient and inadequate passing spaces to allow for the large traffic movements proposed and existing along the proposed route. Access through the settlements along the route will create conflict between the use of this highway and existing residents etc within this area, as well as conflict with visiting schools to the living museum.

In all, we find it incredible that the developer can expect a single track road to take, for the likely duration of the build, 16.5m lorries every 12 minutes on 6 days a week. We also note that developer's adherence to the routing is difficult to enforce since lorry drivers are as entitled as any other road user to use any route they see fit.

A more detailed assessment of the developer's revised transport plan that calls into question its whole basis is provided by the "Community Response to the Revised Transport Statement/Construction Traffic Management Plan submitted by Eden Renewables" which is a separate objection and which we thoroughly commend.

No consideration given to the impact on the heritage of the area through the intended traffic movements, through for example vibration. The impact of noise has not been adequately addressed through the daily noise of thousands of solar panels traversing to follow the sun.

Wiltshire Councillors and officers need to seriously consider their obligations to carry out due diligence on health and safety issued around Lithium battery storage. No Battery Energy Storage Systems (BESS) should be approved until a competent authority has been appointed to oversee the installation of such systems. A review of the Liverpool fire report should be undertaken before granting consent. Health and Safety law is criminal law and feel that the that lessons of the Liverpool fire should be considered by councillors and officers to minimise personal criminal liability for any decisions they arrive at.

Yatton Keynall Parish Council – Object;

Both the NPPF and CP42 require an assessment of cumulative impact of renewable energy installations in judging each case. Application fails on policies 42, 50, 51, 58

Yatton Keynell Parish Council's objections to the application are based on key strategic issues of:

- the permanence of the installation and change of use;
- the industrial scale of the project in a rural setting;
- the cumulative effect on the rural landscape;
- In addition, no credible transport plan has been offered to support the application.

Degree of permanence through 40 year life span, should this be considered a permanent change of use. When this site comes to an end where will the replacement energy come from.

The industrial scale of the development proposal will have a detrimental effect on the rural landscape, alternative sites should be considered first. The setting of the views both into and out of the AONB are considered important. In addition the damage to the landscape as seen from the motorway. The proposed planting screen will take many years to mature and will not provide effective screening year round. Such screening will be ineffective to those units on rising ground.

Detrimental impact on the setting of the conservation area and setting of the AONB. Loss of agricultural land, with no provision for the grazing of land with sheep.

Detrimental impact on the environment, loss of organic land will represent a degradation not an enhancement on biodiversity. No clarity on how enhancements will be achieved.

Impact on residential amenity and the amenity of the area will be impacted on through the cumulative impacts of the proposed development. Inverters and battery stores emit a low and persistent humming noise, as will the tracking panels; this will have a negative impact through noise pollution. Battery stores are a recognised fire risk, with fires in the cable networks at solar farms (including Castle Combe), there is no consultation with appropriate consultees or assessment on residents should this occur. Disturbance to local wildlife through the proposed fencing. Loss of views to users of the rights of way through the fencing and proposed planting.

No credible transport route along the local highways network through the local villages. The application does not comply with relevant Core Policies and does not contain a credible transport plan. We therefore enter an objection to the application.

The Parish Council is aware of a report entitled 'Community Response to the Revised Transport Statement/Construction Traffic Management Plan submitted by Eden Renewables'. We fully endorse this report.

Consider that the highway officer has clearly identified that a route from Sevington would not be acceptable and that there are no grounds for reaching an alternative conclusion. Reference is made to application 13/04367/WCM, which, was refused by Wiltshire Council and on appeal was refused by the Planning Inspectorate. It was found that the local highways were not suitable for the vehicle movements proposed as part of that development.

The proposed traffic movements would be in conflict with many existing activities within the area along the proposed transport route that would result in health and safety issues. The significant increase in HGV traffic will result in local residents being exposed to higher levels of noise & pollution. A change in the highway code has introduced the hierarchy of road users, which this application fails to consider. The conflict between Ukraine and Russia has resulted in a disruption in markets, that places more emphasis on retaining agricultural land for the growing of food.

Castle Combe Parish Council – Object

The Council considers an industrial size solar farm is inappropriate and that the area should be retained for agriculture thereby maintaining the rural character of Wiltshire. The latter continues to be eroded with the development adjacent to junction 17 of the M4 being a typical local example. The Council noted that no access for the contractors has yet been determined which needs to be established before this application is considered as this could have a considerable impact on local villages.

Stanton St Quintin Parish Council – Object

The Stanton St Quintin strongly objects to this application because of the difficulties that a route to the site through Stanton St Quintin would create. There would be large vehicles going through narrow lanes which would create traffic issues and be a danger to other road users. The preferred route would be through the Leigh Delamere Services which has an exit that would avoid the village. It was questioned why a full viability and safety assessment had not yet been completed. This will cause major traffic issues and the Parish Council objects to any use of the road from the M4 through the village.

Chippenham Without Parish Council – Comments

It is acknowledged that renewable energy installations begin to address the planets problems, however, there does not appear to be a strategic approach to this installations within Wiltshire. It is hoped that a strategy is being developed to avoid single site developments destroying agricultural land and disfiguring the landscape. Following the amendment to the planning application the following comments relate to highway matters.

It can be argued that the A420 main highway can/should be able to accommodate the flow of traffic through the parish the same cannot be said in regard to the B4309. There are numerous areas along this stretch of highway that will result in highway safety issues through the increase in traffic. Also concerned that there will be a rat run along Allington Lane and that diversion routes should be put in place and enforced to avoid this. A Travel Plan needs to be submitted and approved that would cover working routes; also a photo survey of the route both before and after to ensure that any damage through the traffic generated is repaired.

Biddestone Parish Council – Support

We recognise the urgency of the UK moving to 100% renewable energy generation to address the climate emergency, and large scale solar is an essential part of this. We are reassured by the developer's plans to mitigate the visual impact of the site and to deliver a significant net biodiversity gain, while allowing the low grade agricultural land to continue to be used for sheep grazing. This project will also allow electric vehicles to be charged directly from solar energy at the nearby service station. We also recognise the significant community benefits that will be delivered locally. We urge Wiltshire Council to develop a comprehensive plan for renewable generation within Wiltshire of which these sites will form a part, but which will also need to include onshore wind generation.

Kington St Michael Parish Council – No objection

Support the proposal; mindful of the information provided with particular reference to the landscaping proposals and also the revised access arrangements albeit they affect the rural lanes/roads of the neighbouring Parishes. Suitable conditions should be applied regard landscaping, diversions and a photo survey of the existing highway and verges so that any damage should be repaired.

Wiltshire Council Highways: No objection subject to conditions;

I confirm that I have considered all the comments raised in the latest submissions, but nothing leads me to amend my recommendation of no objection, as set out in my previous responses.

I refer to the revised information received on 9th June 2022 in support of the above planning application. Such documents, in relation to highway and transportation matters, are: Construction Traffic Management Plan, May 2022; Transport Statement, May 2022; Further Post-Submission Response To Matters Raised By Consultees, May 2022; and letter from Terence O'Rourke dated 31 May 2022 (Reference: 264901).

Further to my final consultation response date 29th June 2022, submissions titled Response to Second Resubmission of Planning Application PL/2021/06100 Solar Farm and Installation at Land near Leigh Delamere and Community Response (No:3) to the Latest Revised Transport Statement/Construction Traffic Management Plan submitted by Eden Renewables June 2022 have been received after the Highway Consultation Response was forwarded to the Planning Case Officer dated 29th June 2022.

As previously stated, the Construction Traffic Management Plan (CTMP) informs the number of deliveries to be 1,003 over a 6 ½ month construction period, with an average of 6 deliveries (12 HGV movements) per day. The Deliveries Schedule at Appendix F indicates the highest levels of weekly deliveries to fall within weeks 2 (91 deliveries), 3 (85 deliveries) and 4 (96 deliveries), and then towards the end of the build programme, at weeks 21 (62 deliveries) and 22 (60 deliveries). This table, at the second row highlighted in red, also indicates the estimated number of daily deliveries, where it can be seen that the highest level is 16 HGVs in week 4, being 32 two-way movements.

The total number of construction staff on site has been advised to be approximately 300, although a maximum of 200 staff are likely to be on site at any one time, with an average daily number of 100-150. Staff will be encouraged to travel together and some will be transported in by minibus from local accommodation; staggered arrivals and departures will be used. Such detail will be caught within a CMS.

The construction programme for the solar farm has been based on other similar schemes, where there can be some comfort of realistic timeframes. The scheme is also supported by a vehicle routing plan, together with measures to control the vehicle movements into and out of the site to minimise conflicts along the most constrained section of the highway.

The revised Construction Traffic Management Plan submitted May 2022 has responded to the comments and observations made. The proposed timing of deliveries not to interfere with the main drop off and pick up times associated with ByBrook School; deliveries to be managed to avoid HGVs arriving and departing the site at the same time; the contractor arrivals and departures are proposed to be staggered over a 1 hour period to minimise conflicting traffic movements; the first passing point to be widened by 0.4m to ensure an HGV and 4x4 type vehicle can pass: signage to be provided along the route to the site, including signage at passing bay 4 for vehicles to give way to HGVs.

In addition, it is considered appropriate to require warning signs for turning HGVs in the vicinity of the Sevington Road junction, and the trimming of vegetation to the bank to the north-eastern side of the C86 (Rat Hill) and to the north-west of the Sevington Road junction, to maximise the forward visibility from, and of, vehicles turning into, and out of, Sevington Road.

The extent of recorded public highway incorporates all proposed passing points, as detailed on the attached extract of the GIS plan.

There is no legal right for any parking to take place on a highway, as the common law definition is "A highway is a way over which there exists a public right of passage, that is to say a right for all Her Majesty's subjects at all seasons of the year freely and at their will to pass and repass without let or hindrance."

Any obstruction of the highway is referred to in Section 137 of the Highways Act 1980 "Penalty for wilful obstruction.

(1)If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine not exceeding [F1level 3 on the standard scale].

Whilst it is accepted that the construction period will inevitably result in some inconvenience and disruption to residents and users of the Sevington Road, it needs to be acknowledged that such inconvenience and disruption will be over a relatively short period of time. There will be measures in place to minimise such disruption and inconvenience through the conditioning of a Construction Management Statement.

It should also be noted that the NPPF states 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.”

Given that it has been demonstrated that vehicle movements to and from the site by construction traffic can be appropriately managed, and the programme of works has set out a clear indication of the numbers of construction and delivery vehicles required to facilitate the development, I could not consider the impacts of the construction of the development to result in a severe impact.

Recommended conditions:

- *Construction Management Statement*
- *Provision of visibility splays*
- *Provision of access track and passing bays*
- *Passing bays along Sevington Road*
- *Pre-condition survey*

Wiltshire Council - Lead Local Flood Authority: Support the application with conditions

Although solar farms may be considered to have a relatively low risk in relation to their contribution to surface water flooding, this is only the case when there are surface water flood risk mitigation measures in place. It is the policy of Wiltshire Council to request that all solar farm applications should provide a drainage strategy as well as a land management strategy as these are crucial when assessing the surface water flood risk associated with these sites. As a minimum we would need the following conditions to be met before final approval is granted:

- 1. The applicant must demonstrate, via calculations, that no increase in discharge rates occurs because of the solar farm and all associated works.*
- 2. The applicant must demonstrate that any potential channelisation risk between the channels is appropriately managed.*
- 3. The applicant must demonstrate that exceedance flow paths (incorporating potential channelised flows) are safely managed so as not to cause flooding to 3rd parties or to electrical equipment (transformers etc)*

The application has been supported with a Flood Risk Assessment (FRA) and ‘technical and other matters response’. The drainage team support the application subject to conditions identified above. The applicant has indicated that they are willing to accept the recommended conditions.

Wiltshire Council Conservation: Comments;

Initial comments received: - Looking at the proposed layout I see that there are a lot of blank areas within the site where panels are not proposed to be installed. However, there are panels shown in the areas close to the listed buildings, in particular Broomfield, with the listed Park Farm Cottage. If it is not necessary to cover the entire site with panels, why are they being

shown near the listed buildings? If they were moved away from the listed buildings and put on one of the blank areas further in the site, then the level of harm caused would be reduced. I would be grateful if you could let me know if this amendment would be possible.

Final comments: - As mentioned in November 2021, there are a lot of blank areas within the site where panels are not proposed to be installed. However, there are panels shown in the areas close to the listed buildings, in particular Broomfield, with the listed Park Farm Cottage. The applicant's response is that there may be archaeology in the areas that have been left blank. Archaeological investigations would determine what, if anything is below ground and whether the layout could be amended. I am unclear why unknown below ground heritage assets take precedence over known above ground heritage assets.

The level of harm is less than substantial, at the lower end of the scale. Amending the layout so that the panels are moved further from the listed building would reduce the level of harm that will be caused.

Using solar panels that sit lower to the ground or are smaller so that they are lower than 2.3m would make them slightly less visible, thereby slightly reducing the level of harm.

Para 199 of the NPPF says:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

As the proposals will cause harm, albeit less than substantial at the lower end of the scale, paragraph 202 of the NPPF is engaged.

Para 202 of the NPPF says:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

It is for the planning officer to evaluate the proposals and decide whether the public benefits outweigh the harm that would be caused.

Should the officer be minded to approve these proposals, I would ask that conditions be added seeking removal of the facility following the cessation of the solar farm use and a speed limit be imposed on construction traffic of 20mph from the motorway to the site in order to minimise damage to heritage assets and historic fabric.

Wiltshire Council Archaeology: No objection, subject to conditions

The initial heritage assessment and the geophysical survey submitted in support of the application identified two areas of intense archaeological activity along with the potential for remains associated with later medieval and post-medieval land-use as well as possible archaeological features and anomalies scattered across the rest of the area.

These surveys provided much useful data, which resulted in two areas of high value archaeology being excluded from the proposed development. Subsequently further investigative works were necessary to be carried out in order to 'ground truth' some of the assumptions drawn from these surveys, so that the true character, date and extent of the archaeological resource within the site could be fully understood.

An Archaeological and Heritage Assessment has been carried out in support of the application, with updated detail in support of the application.

..... I note that a new document has been added to the planning portal, entitled 'Consultee Response'. This includes a section that summarises my interactions with the applicants' archaeological consultant which reads thus:

'2.24 The County Archaeologist has issued a response with no objection subject to the imposition of conditions. These include the submission of an Archaeological Management Plan (AMP), setting out how two archaeological exclusion zones are to be scoped out of the development and protected from impacts during construction and operation, and for the submission of a further programme of archaeological works.

2.25 Discussions have subsequently taken place with the county archaeologist regarding his request that the north east exclusion area be extended as part of the AMP. It has been agreed that alternative mitigation in the form of concrete feet can be used in this area instead of extending the exclusion area. Using concrete feet will avoid impacts on below ground archaeology in this area, the extent of which will be agreed with the county archaeologist as part of the AMP. 2.26 The applicant is therefore willing to accept conditions that require the submission of an AMP and a further programme of archaeological works.

2.27 In respect of the information the County Archaeologist has requested in relation to the cable route, it should be clarified that this does not form part of the current planning application. A separate planning application will be submitted in due course and it will include appropriate information in respect of potential impacts of the cable route on archaeology. The second condition proposed by the County Archaeologist is therefore unnecessary at this time.'

I can confirm that this is an accurate account of my dealings with the applicant. I am now awaiting the submission of the Archaeological Management Plan (AMP) from the applicant's archaeological contractor e for review and approval.

I also understand that the cable route does not form part of the current application and I will await the submission of this subsequent application before offering further comment.

Historic England: Comments

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. We suggest that you seek the views of your specialist conservation and archaeological advisers.

Wiltshire Council Public Protection: No objection, subject to conditions.

Having reviewed the noise assessment by inAcoustics, satisfied that the report demonstrates there will be no adverse noise impacts on residential dwellings within the proximity of the proposed development.

No objections received in relation to glint and glare issues.

Following a review of the amended plans submitted no further comments to add beyond original comments. Conditions relating to noise, air quality, contaminated land, lighting and provision of a CEMP are required.

Wiltshire Council Ecology: No objection, subject to conditions

The following reports / details have been submitted and reviewed:

- *Ecology App A. Full Ecological Assessment. Document prepared in support of the proposed Leigh Delamere Solar Farm, Chippenham (PL/2021/0611). (Wychwood Biodiversity, 03/03/2022).*
- *Ecology App B Shadow Analysis. (Pager Power Urban and Renewables, November, 2021).*
- *Ecology Appendix C. Evidence for the Effects of Solar Panels upon Botany (Wychwood Biodiversity Limited, 21/01/2022).*
- *Ecology App C. Annual Biodiversity Report Sawmills Solar Farm. (Wychwood Biodiversity, 2021).*
- *Ecology App F Biodiversity Net Gain*
- *Ecology App G. Biodiversity Management Plan. Document prepared in support of the proposed Leigh Delamere Solar Farm, Chippenham (PL/2021/0611) (Wychwood Biodiversity, 31st January 2022).*
- *Ecology App G. Habitat Establishment Map.*
- *Ecology App G. Avoidance and Reduction CEMP Map*
- *Response to Comments by County Ecologist (Wychwood Biodiversity Limited, 23/02/2011).*
- *PV Layout Drawing EDR1005-103 (Eden Renewables, 09/02/2022).*
- *Biodiversity Metric 3.0 Calculation tool Leigh Delamere Final_280122*
- *Full Ecological Assessment. Leigh Delamere Solar Farm (Wychwood Biodiversity, 11/06/2021).*
- *Full Ecological Assessment Part 2. Leigh Delamere Solar Farm (Wychwood Biodiversity, 11/06/2021).*
- *Ecology Biodiversity Metric 2.0 Calculation Tool Kit*
- *Biodiversity Management Plan 2021b. Leigh Delamere Solar Farm (Wychwood Biodiversity, 11/06/2021).*
- *Tree Survey, Arboricultural Impact Assessment Arboricultural Method Statement and Tree Protection Plan in Accordance with BS 5837:2021 (Hayden's Arboricultural Consultants, 29/06/2021).*
- *Leigh Delamere Planting Plan. Drawing TOR-XX-XX-P-L-001. (Terence O Rourke, 09/2020)*

The submitted reports have informed the conclusions reached on this scheme. The site is described as being made up of approximately 65ha of arable farmland and 23ha of sheep grazed grassland. Field boundaries are marked by species-rich hedgerows, mature trees and drainage ditches. Constraints reported within the Site include; 4 fields of semi-improved species-rich grassland; hedgerows and mature trees; amphibians and reptiles, including a low population of GCN; breeding birds, including the Priority Species skylark; foraging and commuting bats, including Annex II species Barbastelle bats and lesser horseshoe bats; and brown hare and badgers.

Following the initial round of consultations further detail was required to demonstrate a satisfactory level of survey pertaining to the grassland, assessment of the cable route, impacts on biodiversity and revisions / amendments required.

In response to issues raised further survey work / details have been supplied in support of the application (ref. list of documents considered above). Also, the applicants have submitted a Preliminary Ecological Assessment of the Cable Route for Proposed Solar Farm prepared by Wychwood Biodiversity (22/02/2022). This assessment and the mitigation measures within it satisfactorily address concerns raised about the cable route.

The PV layout retains the majority of hedges and mature and veteran trees and provides buffers along features recognised as of value to biodiversity. Measures to mitigate impacts on biodiversity and provide enhancements are welcomed; these include hedge planting, tree planting, tussock grass margins, new wildflower grassland and the creation of ponds and scrapes.

The amended biodiversity net gain calculation using the Defra biodiversity metric Version 3.0 predicts a net gain of 54.27% for habitats and 51.97% for hedgerows. The calculation has been adjusted to account for a possible reduction in botanical diversity in fields 9-12.

The calculation assumes 'other neutral grassland' of good condition can be achieved under panels on arable fields. The ability to create this habitat type has not yet been proven however the evidence submitted strongly indicates that the proposed grassland will be of greater botanical diversity than arable. The identified required mitigation and enhancements are identified as achievable within the development proposals.

Habitat Regulations Assessment –

Bath and Bradford on Avon SAC lies within 9km to the southwest and baseline surveys reported in the submitted Ecological Impact Assessment confirm bats (Barbastelle bats and lesser horseshoe bats) for which the SAC is designated commute and forage on the Site.

The Site does not lie within any 'core zones' as identified by the Bat Special Areas of Conservation (SAC) Planning Guidance for Wiltshire. Although Barbastelle bats and lesser horseshoe bats were recorded using the Site they were present at low frequencies. Impacts on high value bat habitats, such as hedgerows, are not predicted and there will be no operational lighting. Construction lighting will be temporary and controlled via condition. Significant adverse impacts on foraging and commuting bats are therefore not predicted.

A test of likely significance has been carried out by the Appropriate Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This concluded that given the size and nature of the development combined with the separation of 9km between the SAC and the Site any temporary construction impacts and operational impacts would be de-minimus. The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

Natural England: *Natural England does not object to the scheme in relation to impact on protected nature conservation sites, and supports the conditions relating to biodiversity agreed with the county ecologist.*

The Cotswolds AONB is in relatively close proximity, and we advise that the Cotswolds Conservation Board is consulted if that has not been done already. We note that the LVIA concludes that the proposal is not visible from public footpaths or roads in the AONB, but this is a large development that will affect landscape character and fabric of the site and its surrounding area.

In general terms, for a scheme of this scale, it appears to be well-located to minimise risks to designated sites and to deliver wildlife enhancements. However, this is a very large development in open countryside and your Authority should be satisfied that, if approved, the risks to local landscape and wildlife interests are minimised and that benefits are significant and secured appropriately. Ahead of Biodiversity Net Gain becoming mandatory we support developers and decision-makers in securing gains wherever possible. For this scheme such as this, achieving minimum targets should be straightforward and while we have not checked the net gain calculations they suggest that a significant improvement in biodiversity will be

delivered. There are several points we would highlight in terms of the biodiversity plan for the site:

- A key aspect of avoidance measures is the need to retain as much of the grassland, previously grazed as part of an organic system, as possible.
- Where any cutting rather than sheep grazing takes place this should be removed from the site to help lower nutrient levels
- Early planting with semi-mature specimens should be encouraged to make mitigation and enhancement measures for landscape and biodiversity effective as soon as possible.
- Lighting/fencing and other intrusive features should be kept to an absolute minimum

Cotswold Conservation Board: Comments

The proposed development would be located approximately 800m, at its closest point, from the boundary of the Cotswolds National Landscape.

Given this relatively close proximity and the type of development being proposed, we recommend that the local planning authority (LPA) should consider potential visual impacts on the National Landscape (including the visual impact in winter conditions).

In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account the relevant Board publications.

In line with paragraph 172 of the National Planning Policy Framework (NPPF) and relevant case law, great weight would be given to the impact of the proposed development on views from the Cotswolds National Landscape. Further guidance on this issue is provided in the Board's Position Statement on 'Development in the Setting of the Cotswolds AONB' ([link](#)).

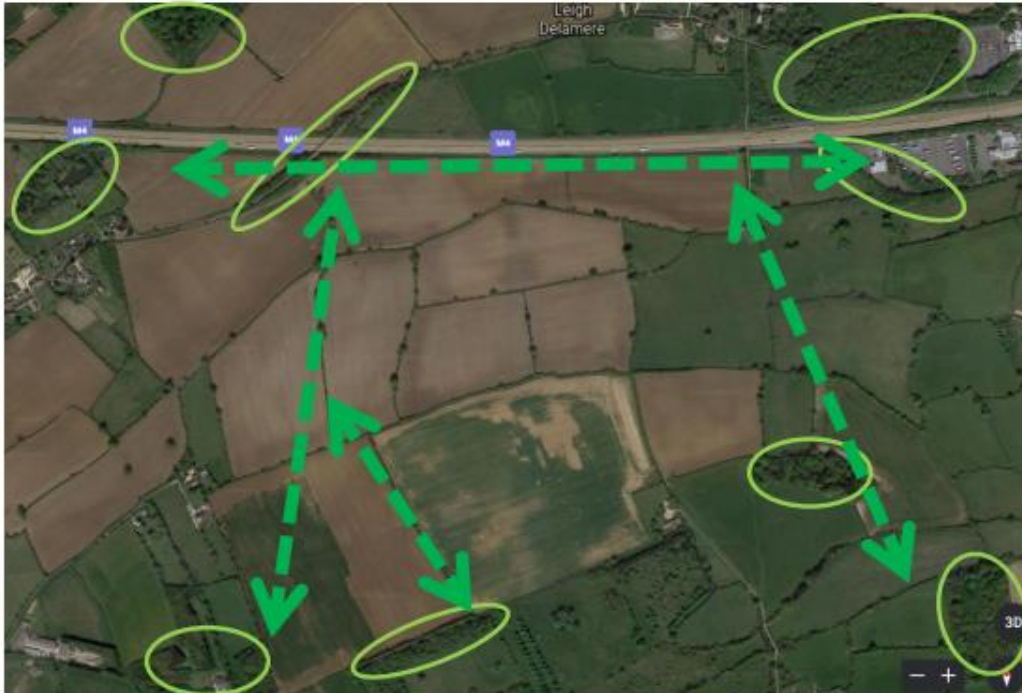
In line with Policy CE1 (Landscape) of the Cotswolds AONB Management Plan 2018-2023 ([link](#)), views out of the Cotswolds National Landscape should be conserved and enhanced.

The Board will not be providing a more comprehensive response on this occasion.

WC Landscape Officer: No objection

I am pleased to see the amendments made to the landscape plan based on my original comments and have no further objections to the application on Landscape grounds.

Whilst the Landscape Officer maintained a holding objection following the initial consultation on the application, these concerns related to the content of the LVIA, specifically on the iterative design process in reaching the landscape mitigation measures, the cumulative impact on the landscape, the visual impact from the motorway and the development of 'green infrastructure'. The landscape officer was seeking enhanced planting to create/enhance green corridors and connectivity for biodiversity.



(Fig 1 – areas of existing isolated copse and woodland (green ovals) and potential green infrastructure corridors (green arrows) to provide better connections)

Wiltshire Council PRow Officer: No objections

I note that the revised documents show that bridleway GRIT15 will be made wider as requested by the BHS. This is welcomed. I also note the applicant is not willing to provide the suggested improvements to the rights of way network. This is disappointing but I do not intend to raise an objection on these grounds.

Happy with the following points with regard to the rights of way affected by the proposal (bridleways GRIT 15 and 18 and footpath GRIT31):

- *A construction management plan will cover safety issues crossing bridleways and construction traffic.*
- *No drainage issues have been identified.*
- *GRIT18 is 8.5 to 17 metres wide between hedges- the hedges will be maintained by applicant to prevent any restriction in the width of the bridleway.*
- *I would also request that they remove any stiles and remove or leave permanently open any gates across the rights of way that pass through the site as these will not be required for the control of stock.*

British Horse Society: Comments

This application has an impact on bridleways GRIT15 to the west and GRIT18 to the east of the site. Both bridleways appear to be considered as part of, or crossing, the two possible access routes - both during construction and for maintenance. Details of how users will be kept safe from construction and maintenance traffic are required. This can be provided within a Construction Environmental Management Plan.

The BHS has specific guidance on solar farm development, which covers, issues directly affecting horse riders using bridleways and includes: Construction, Inverter Housing,

Drainage, Fencing and Security. The provision of alternative or additional access is also covered.

Safe off-road routes are a priority, the M4 is already a noisy hazard, and further hazards are unacceptable. In particular, vehicles should be kept off the line of the bridleways, a proper width of at least 5m must be allowed for each bridleway, robust shielding of users from construction traffic must be provided, and any hedging or tree line should be planted so as to ensure it will not eventually encroach on the width of the bridleway.

National Highways: No objection subject to conditions

The site is located to the immediately to the south and west of the M4 motorway and the westbound Leigh Delamere Motorway Service Area and has an existing access from Sevington Road. National Highways primary interest is in relation to the safe and efficient operation of the Strategic Road Network (SRN), which in in this case comprises the M4 and the associated motorway service area, and it is in the context of these responsibilities that our comments are made.

The application is supported by a Transport Statement prepared by Paul Basham Associates, which recognises that the primary traffic impact of the development will be during the construction phase and therefore the document also fulfils the function of a construction traffic management plan. During the peak construction period, which is expected to occur over the first three months of the anticipated six-month construction period, the development is predicted to generate up to 40 two-way vehicle movements per day (Monday to Friday). Movements will be spread across the day, and it is indicated that the network peak traffic hours will be avoided. We are therefore satisfied that this level of traffic generation is unlikely to result in a severe impact on the operation of the SRN.

Two access options were initially put forward for consideration, one of which proposed the creation of a new access directly from the Leigh Delamere Motorway Service Area. As set out in our previous recommendation, National Highways policy approach to planning is set out in DfT Circular 02/2013. Annex B sets out the policy with regards to the provision and operation of roadside facilities, including motorway service areas. This makes clear at paragraph B24 that access to other developments through a roadside facility is not permitted. The applicant has therefore resubmitted their access proposals to provide for development access only via their alternative option utilising the existing access from Sevington Road, which forms part of the local road network. We are therefore satisfied that this addresses our concerns.

The application is supported by a glint and glare assessment and we are satisfied that the location of the proposals relative to the motorway is unlikely to result in visual distraction arising through glint or glare to motorway traffic.

Screening of the development site is to be provided by landscape planting which is now detailed in the revised Planting Plan drawing number TOR-XX-XX-P-L-001 Revision K. National Highways previously raised concerns regarding the proposed planting mix, particularly with regards to the proposed Native Hedgerow mix, Scrub Planting mix and Trees along the northern boundary adjacent to the M4, which included species which for reasons of liability and maintenance were not suitable for planting in proximity to the SRN. We consider that Revision K of the Planting Plan, provided under cover of an email from TOR Ltd dated 11 May, has addressed our concerns.

North Government Pipeline: No comments; site does not fall inside the zone of interest

Additional consultations response: Comments received have queried as to why the Health and Safety Executive (HSE) and the Dorset and Wiltshire Fire and Rescue Service (DWFRS) have not been consulted. The following response is provided.

The application has been consulted on in accordance with the requirements of 'Schedule 4' (consultations before the grant of permission) as set out in "The Town and Country Planning (Development Management Procedure) (England) Order 2015". The Order does not require either the HSE or the Dorset and Wiltshire fire and rescue service (DWFRS) to be consulted on the proposed scheme.

A solar farm is not considered to be a major hazard establishment in its own right and this site does not lie within a consultation zone of a 'major hazard establishment'. Further where installations are considered to be 'hazardous installations' the appropriate consents would be required under separate legislation. The HSE has not been consulted on this scheme as the site does not fall within the consultation area of a 'hazardous installation' and is not in itself a 'hazardous installation'.

Turning to fire safety hazards the Dorset and Wiltshire Fire and Rescue Service (DWFRS) are not a statutory consultee and therefore it is not incumbent on the local planning authority to consult with them on a planning application. The application details submitted acknowledge that the agent/applicants have engaged with the DWFRS as part of their process in progressing this site. The proposal will need to meet the necessary requirements of the Building Regulations 2010 – Approved Document B (volume 2 – 2019 edition) as administered by the Building Control Authority and will need to comply with the statutory responsibilities that the DWFRS enforce.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application. There have been a series of amendments to the application which have been consulted upon. At the time of drafting this report there have been approximately 206 letters objecting and 164 letters of support; it should be noted that there is repeat correspondence in both objections and supporting correspondence. There has also been a petition of 99 signatures from Yatton Keynall and a petition of 26 signatures from Sevington objecting to the proposed scheme. The following is a summary of the points raised by members of the public / third parties: -

OBJECT

Contrary to Policy

- Industrialisation of farming land is an unacceptable use
- Set a precedent for other industrial style developments in rural areas
- Contrary to the Core Policies of the development plan, relating to energy, transport and the natural environment
- Contrary to Core Policies 34, 42, 50, 51, 52, 57, 58, 62

Need/Location

- There is a need for renewable energy but not at the cost of agricultural land to grow our own food
- Countryside is a precious and under-valued resource
- Solar panels should be insisted on new commercial / industrial / residential buildings / floating solar farms

- Solar panels should be retrofitted to existing agricultural buildings
- Consideration of 'brownfield' sites first
- Loss of agricultural land, this should not be lost to growing crops
- Balance of solar farms against crop production needs to be addressed
- Current global crisis, with commodity markets in turmoil the use of land for food production more important
- No justification for use of greenfield land
- No justification for the use or loss of productive arable land and enhanced organic land
- Questionable that sheep or any livestock will be turned out on any part of the land
- No evidence for alternative sites
- Site too far from electricity access point
- Sufficient solar farms within the area to generate power for all dwellings within this area

Drainage / Flooding

- Site prone to local flooding but not in a flood plain
- Effects of ground compaction not considered on impact on drainage

Ecology / Environment

- Negative impact on wildlife
- Negative impact on red kite, foxes, hares, hedgehogs
- Loss of rich diverse environment
- Loss of organic soil
- Inappropriate to replace arable agriculture with livestock farming
- Solar farms do not support sustainable farming and land management
- Question the conclusions reached in the supporting ecological information
- Loss of habitat to wildlife
- Hedgerows have been cut back, loss of green infrastructure
- Loss of badger sets already occurred
- Impact on biodiversity
- BNG only equates to 55%
- How can land be returned to arable use if an underground network of metal support posts and concrete remain post decommissioning
- Impact on tree root systems through construction traffic
- Grazing land in conflict with wildflower biodiversity enhancements
- Biodiversity enhancements are reliant on long-term management of the site

Pollution/Environment

- Noise pollution
- Air pollution
- Unacceptable background noise
- Impact on public rights of way
- Loss of green infrastructure
- Pollutants from fires on the proposed units
- Safety issues relating to storage batteries

Neighbour Amenity

- Proximity to existing properties impact on amenity, result in difficult living conditions

- Detrimental impact upon existing nearby residential amenities with increased noise levels
- Impact from noise levels during construction and decommissioning phases
- Noise and air pollution through HGV traffic
- Loss of privacy, during construction and from CCTV security cameras
- Glint and Glare issues
- Lack of a construction management plan
- Impact on neighbours through deer entering residential gardens due to loss of agricultural land

Landscape and Visual Impact

- Scale of development – visual impact
- Area is characteristic of Cotswold AONB
- Clearly visible from surrounding public view points; such as rights of way, motorway, highways
- Site is on rising land that will make it highly visible within this landscape
- Visual impact on the visual amenity of the area
- Visually prominent within the area
- Negative visual impact, spoiling previously rural feel and industrialisation of the area
- Eyesore within the area
- Loss of 'greenfield land'
- Further erosion of the AONB
- Site lies on the edge of the Cotswold National Landscape
- No consideration of the Cotswold National Landscape (AONB)
- The cumulative impact must be taken into consideration with other solar farms within the area
- Fragmented design will be more visually intrusive
- Poor design results in 'blocks' of panels as opposed to fitting around existing features
- Only assessed the visual effects and not the cumulative impact with other solar farms or cumulative effects on the historic environment, residential amenity, transport and agricultural land
- The cumulative effect of so much farmland being lost to solar farms
- Visual mitigation can only be achieved through use of deciduous planting
- Proposed planting will not be effective for 15 years
- Inadequate screening
- Effect on the landscape is high adverse, permanent change to the landscape character

Impact on heritage

- Site contains important archaeology
- Site lies between the Sevington and Leigh Delamere Conservation Areas
- Impact on nearby listed buildings
- Impact on the setting of conservation areas
- Adjacent to 32 listed buildings, 3 conservation areas, ancient farmland, prehistoric and Roman settlement, development will irrevocably alter the context and setting
- Impact on listed buildings / heritage assets by construction traffic
- Impact on heritage through signage
- Archaeological investigations not thorough
- Application fails to acknowledge archaeological finds on/around the site
- Harm to archaeology

- Harm to the setting of the heritage assets, through loss of character on the wider agricultural area

Highways impact

- Proposed articulated lorry movements during the construction phase would be intolerable
- The route around Yatton Keynall very busy, the use of articulated lorries within this will be unacceptable
- Already suffer damage to properties from existing large vehicle movements
- Local roads are popular with cyclists, pedestrians and horse riders
- There are blind bends, verges not mowed reducing width and visibility that are already narrow
- Roads through Sevington and Yatton Keynall only wide enough to allow one vehicle through
- No adequate passing places
- Passing places that do exist are rutted and not long enough to accommodate a HGV
- Conflict already exists between everyday traffic and existing large vehicle traffic movements (such as delivery van drivers, tractors towing trailers, lorries, buses, refuse trucks, oil tankers, etc)
- A number of difficult right hand turn junctions that would result in congestion
- Construction traffic through the Leigh Delamere services would be most appropriate
- Evidence provided has been taken on a 'light traffic day'
- Traffic along Sevington Road has increased post lockdown
- Two different routes should be provided one in and one out
- Were cars not parked on pavement lorries would not have been able to get through
- Video evidence demonstrates that the route is not suitable
- Local residents will exercise right to park cars on the road, this will prevent the proposed traffic getting through
- Size of the roads inadequate, two cars struggle to pass along these roads let alone a HGV
- Car drivers will have to get out of way of HGV's
- 200+ workers and along with HGV's using these lanes all at the same time will cause mayhem
- Highway safety concerns remain unaddressed, no assessment of safety of cyclists along the National Cycle Route
- Insufficient pavements or verges in places to allow pedestrians safety for passing vehicles
- Existing parking arrangements though Sevington and other areas would likely stop large HGV from passing
- The inadequacy of junctions and general width and alignment of roads will lead to gridlocks, congestion and possible accidents
- Local roads are already in a bad state of repair
- Impact on highway drainage
- Chosen transport route is 'least problematic', does not make it safe or appropriate
- Traffic route will pass schools, doctors surgery, care home, village shop, bridleways and public rights of way, pinch points and bad junctions, not a safe route
- Statistically more traffic accidents / incidents happen along 30 mph routes than 60 mph; access should be off M4 access road
- On street parking occurs through each village that the proposed traffic route would take
- NPPF requires safe and suitable access to the site can be achieved for all users; clearly not achievable

- Unacceptable 'Traffic management Plan'
 - Construction traffic likely to be longer than the estimated 6 months
 - Delivery times do not work with Sevington Victorian School opening hours
 - Public rights of way cannot be lost – all widely used as is 'National Cycle Network' along C86
 - Transport Statement inadequate, the Community Report in response to the Transport Plan demonstrates why the new route is not credible, safe or in compliance with the National Planning Policy Framework
 - Damage to road network through the construction traffic; who will be responsible for fixing this
 - Nearby application for creation of a bund rejected due to highways issues
 - Impact on motorist's from glare
- Objections received relating to the original routes via Stanton St Quintin, and, also access direct from the M4 services

The Sevington petition with 26 signatures specifically refers to the route through Sevington by transport traffic and that as local residents they will continue to exercise their legitimate and lawful rights to use the road through Sevington and park their vehicles on said road.

Similarly, the Yatton Keynall petition with 99 signatures also refers to the construction traffic route through this village and highlights the understated number of hazards and resulting safety consequences that would arise through this village if the scheme is approved.

Other matters

- Revised plans do not address objections raised to date
- Inaccurate details
- Application deficient
- Lack of details in support of the application, detailed transport plan, fire risk assessment, schedule of works, etc
- The applicants argument is to turn this into a debate about climate change as justification for a flawed/weak application
- Video evidence taken when not busy or any parking on streets
- Food security crisis and global chain supply crisis, the use of productive agricultural land should be reserved for farming
- More detail required in relation to a pre-survey condition
- Cable route should form part of the application as an integral part of the development
- Poor document management, changes to previous documents should be provided as a separate document
- Impact on property values
- Enabling works carried out without consent
- Scale of project
- The remains of the fence supports and underground foundations will remain post decommissioning making land unusable and a permanent change
- Ineffective public consultation
- Questionable sustainability credentials of solar power farms, production, location of source materials, carbon footprint for shipping units
- Out of date technology
- Solar power is inefficient and unreliable

- Alternative technologies such as tidal, wind and hydroelectric more appropriate
- Support cleaner, greener, carbon free fuel, such as nuclear sites, wind turbine and hydro reneration
- Construction time is just over six months, large construction sites rarely keep to timetables
- Surface water flooding occurs and the solar panels will only make it worse
- Impact on properties from vibrations of construction traffic

SUPPORT

Need / Location

- We are in a climate emergency
- Support shift to renewable energy, its essential to combat climate crisis
- Need more solar energy, this is the way forward to avert climate change, along with wind turbines and hydro energy
- Support solar farm at Leigh Delamere
- Need for renewable energy production, this can't just happen elsewhere or by just planting trees
- Need energy independence
- Energy security is of paramount importance
- Solar one of the lowest cost forms of electricity generation, contributing to reducing the prices people pay for electricity
- Community fund of over £800,000 for the lifetime of the project
- Community funds should be used for settlements / neighbouring properties within the area
- The responsibility of all parts of the UK to do what they can to enable and accelerate the switch to renewable energy sources
- Local generation of low carbon electricity improves the efficiency of electrical distribution
- Grazing of the land below the panels can continue
- Is food security even a planning policy? Energy security is more important otherwise food is unaffordable
- The land is low grade (3b) agricultural land
- Limited usage as a high yield for most crops
- This will also create an alternative income for the farming business as subsidy support reduces
- Loss of land is only temporary and can still be grazed
- Need renewable energy as farmers / landowners need to diversify
- The land will not be damaged through this scheme and will be returned to its former agricultural state
- We must do this for our children and future generations
- Proud to live in Wiltshire knowing the Council is supporting the transition to renewable energy
- Roof top solar makes a useful contribution but will not be sufficient for our needs

Environment

- Climate change is a threat to human wellbeing and health of the planet
- Solar helps to reduce climate change

- Generate enough power for over 13800 homes and save over 20,000 tonnes of carbon emissions each year
- Make a major contribution to Wiltshire Council's 2030 Net Zero target
- This location will allow electricity generated on site to be stored and used for vehicle charging points at the service station, a key piece of infrastructure as the UK moves toward EV's from 2030
- Pollution from lorries, the only reason solar farms exist is to prevent pollution
- Whilst there will be 6 months of inconvenience from construction traffic there will be 40 years of solar power generation which is critical for my three boys to grow up in a world with less carbon emissions
- Need to switch from fossil fuels to renewable energy forms
- It is in the public interest for Wiltshire to make reasonable provision for a positive environmental impact
- Nuclear is a worry in case of accidents and also disposal / storage of waste products
- Clean energy and the field stores carbon
- Minor adjustments to countryside views are a small price to pay to help avert the current climate crisis

Highways

- The main issue appears to be the access to the site
- Small inconvenience of lorries for a small amount of time, Yatton Kennel will be doing its bit
- Slide show at village meeting demonstrated how transport can be achieved
- There are 5 considered routes and cannot see why traffic could not be shared amongst each to spread weight of traffic
- The 15 metre Lion Lodge 'pinch point' can be easily resolved using temporary traffic restrictions
- Single track Sevington Road should be made for residents only access
- The use of banksmen or traffic lights could resolve high way issues
- Net reduction in traffic overall due to less farm traffic over 40 years

Ecology

- Make a major contribution to tackling both climate emergency and ecological emergency
- Net biodiversity gain through wildflower meadows
- New tree and hedge planting
- Enhancing soil quality by leaving the land fallow
- Temporary development for 40 years
- After decommissioning the land will be restored to agricultural use
- Supports wildlife
- Hedgerows across site will be protected and enhanced to the benefit of wildlife
- Land will be laid fallow and allow wildlife meadows to flourish to the benefit of wildlife
- Proposal to install bee hives a positive benefit

Visual impact

- Due to proximity of the site to M4 and services stations visual amenity will not be significantly degraded
- Screening will minimise any visual impact
- Solar and wind farms benefit our landscape

- Land is well hidden from most peoples views, only seen if you are walking across it or from the M4
- Solar power essential and overrides objections relating to impact on people's views
- Its not an AONB
- Enjoy seeing solar farms in the landscape; inspiring to see how we are working towards a cleaner and brighter future

Amenity

- Any noise objection must take into account that generated by the M4 as well

Other

- Solar power not outdated
- Acts as an opportunity to educate by example
- Solar and wind power are low cost energy without subsidies, whereas fossil fuel and nuclear are more expensive and with extensive subsidies
- Wiltshire being in the south of the country is well placed to produce high volumes of solar electricity due to the better climate
- Being in Yatton Keynell we are also between the Castle Combe race track solar site and the Fowlswick farm solar site and both have had minimal impact upon us despite both being less than a mile away
- Archaeology will remain underneath this land and will still be after the solar farm is removed
- Must be a balance between heritage, the landscape and benefits of the scheme
- Contribution to 'green' jobs
- Our children are reliant on the right decisions being made now

9. Planning Considerations

9.1 Principle of Development

The NPPF advocates the primacy of the development plan and, first and foremost, decisions must be made in accordance with the development plan, unless material considerations indicate otherwise (Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). Any conflict identified with development plan policy must be given weight in the planning balance.

Turning to the development plan (the WCS), the site lies within countryside and Core Policy 42 of the strategy supports the development of 'standalone renewable energy installations', subject to the identified criteria. In particular, proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and taken into account:

- i. The landscape, particularly in and around AONBs
- ii. The Western Wiltshire Green Belt
- iii. The New Forest National Park
- iv. Biodiversity
- v. The historic environment including the Stonehenge and Avebury World Heritage Site and its setting
- vi. Use of the local transport network
- vii. Residential amenity, including noise, odour, visual amenity and safety
- viii. Best and most versatile agricultural land

Applicants will not be required to justify the overall need for renewable energy development, either in a national or local context.

The site does not lie within or anywhere near to the Western Wiltshire Green Belt, New Forest National Park, or the Stonehenge and Avebury World Heritage Site. As such it is considered that points i, iv, v, vi, vii and viii that carry the greater consideration and will be covered within this report. The principle of standalone renewable energy is accepted provided the relevant criteria are met.

Locally, Wiltshire Council has made a firm commitment to becoming a carbon neutral council by 2030 and the Council's adopted ECO (Energy, Change and Opportunity) Strategy sets out a clear commitment to increase the uptake of renewable energy. Action to tackle climate change through energy efficiency and renewable energy generation are intrinsic to how Wiltshire Council wants to develop.

Paragraph 158 of the NPPF states, 'When determining planning applications for renewable and low carbon development, local planning authorities should:

a) Not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and

b) Approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas'.

The Government's Planning Practice Guidance (PPG) states:

'Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable' Paragraph: 001 Reference ID: 5-001-20140306'.

Accordingly, it is clear that the principle of renewable and low carbon energy development is supported by the Government at national level and at a local level by the relevant Core Policy (CP42) of the Wiltshire Core Strategy.

9.2 Landscape and Visual Impact

Core Policy 57 'Ensuring High Quality Design and Place Shaping' of the WCS lays down the requirement for good design. Core Policy 51 'Landscape' of the Wiltshire Core Strategy outlines that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character. The policy requires applications to demonstrate how development proposals conserve and where possible enhance landscape character through sensitive design, landscape mitigation and enhancement measures.

The site sits to the south of the M4 and to the west of the Leigh Delamere motorway services on the border between the Cotswolds and Avon Vale Countryside Character Areas. The Cotswolds AONB is approximately 800-900m to the west of the site. There is a PRoW that dissects the site (GRIT18 / GRIT 15) as well as other PRoWs that run along or connect to the

site boundary (KSTM 17 & 40 and GRIT 31). Views may also be seen from PRow GRIT14, and YKEY7. The site has prominent views from the M4 as the motorway is slightly elevated from the development site with little vegetation along the motorway boundary. There are also prominent public viewpoints across the site from both M4 overbridges to the east and the west of the site. There are two other solar farms within the area, the first is 1.2km to the south (Battens Farm) whilst the second is 1.95km to the South West (Castle Combe).

Concerns have been raised by local residents at the visual impact that the development of this site would have on the landscape and wider area. It is stated that the scale of development would create a visual impact on the area out of characteristic of the Cotswold AONB and highly visible within this location. It is further stated that the cumulative impact must be taken into consideration with other solar farms; and that screening is inadequate and will not be effective for 15 years, and the level of impact will be 'high adverse' and a permanent change on the character. Also stated is that glint and glare along with the poor 'block' design will draw the eye to the site. Letters of support argue that the area has already been significantly degraded through the construction of the M4 which splits the site from Leigh Delamere to the north. The site is not AONB and the proposed screening will minimise any visual impact. Some enjoy seeing solar farms within the landscape and are inspired to see how they are working towards a cleaner and brighter future.

Natural England (NE) does not object to the proposal and recommends that the Cotswold Conservation Board (CCB) is consulted. NE recognise that this is large development that will affect landscape character and its surrounding area. If approved the risks to local landscape should be minimised and benefits secured appropriately. Comments received from the Cotswold Conservation Board neither support or object to the scheme but highlight that the assessment of the scheme must take into consideration the relevant criteria of the NPPF in assessing the scheme and also the relevant Board publications. The CCB recognise within their publications that climate change is generally acknowledged as a major threat to environmental well-being. A major contribution in reducing these will be through greater energy efficiency, although it is recognised that renewable energy sources have a part to play as well. Growth in renewable energy also assists the UK's economy and energy security, and can contribute to employment, especially in rural areas, as well as to the diversification of farming businesses, making them less vulnerable to changes in markets and in grant schemes. The Board encourages the use of renewable energy in appropriate locations within the AONB or its setting, provided it is consistent with conserving and enhancing the landscape and natural beauty of the area.

In landscape character terms, the site is agricultural at present, it does have existing ponds and drainage ditches within it and is currently bound and subdivided by existing field hedging and trees – these features contribute to the character of the site and are features characteristic of the wider landscape type. Development of this field will obviously see the loss of the sites agrarian character for the temporary period that the solar farm will be in operation. However, the site is bounded along its northern boundary by the M4 and as such the sense of tranquillity within this location is recognised as degraded when compared with a truly isolated location.

The site has been described as 'dip-slope lowland' which relates to the character area of the south and mid Cotswolds lowlands. The CCB recognises that this area is susceptible to tall vertical elements and generally less sensitive to the remoter and more elevated landscapes. The scheme proposes units no higher than three metres and the associated cabins / containers no more than 3.6 metres high (customer cabin) and finished in a dark green colour; although each cabin / container will be set on a 500mm foundation. The proposed structures will be generally hedgerow height (for a tall hedgerow) and will be further screened through the use of trees.

GRIT15 which forms part of the Palladian Way runs along the west of the site and GRIT 18 runs through the eastern part of the site, these are the principal localised views most affected by the development into the site. It is acknowledged that the units will be viewable within more localised vantage points, but long distance views to or from the site in relation to the AONB will be minimal. The scheme is considered on its own not to have an impact on the character of the AONB. This is in line with policy CE11 of the AONB Management Plan which clarifies that major development in the setting of the AONB must comply with national planning policy and guidance.

Cumulative impacts on visual amenity are where combined visibility occurs where the observer is able to see two or more developments from one viewpoint. Assessments should consider the combined effect of all solar farms which are (or would be) visible from relevant viewpoints. Whilst it is acknowledged that there are several solar farms within the area the scale of these types of development are very much low level and within this low lying, undulating landscape with the degree of separation and intervening features between sites they are not experienced as a whole. The conclusions of the cumulative visual assessment are that there will be no adverse cumulative landscape and visual impacts arising from the proposal with Lake Farm, Battens Farm, Castle Combe and Hullavington solar farms. As described the visual impact is experienced at a local level from adjoining vantage points.

Whilst the Landscape Officer maintained a holding objection following the initial consultation on the application, these concerns related to the content of the LVIA, specifically on the iterative design process in reaching the landscape mitigation measures, the cumulative impact on the landscape, the visual impact from the motorway and the development of 'green infrastructure'. The landscape officer was seeking enhanced planting to create/enhance green corridors and connectivity for biodiversity (ref Fig 1 below).



(Fig 1 – areas of existing isolated copse and woodland (green ovals) and potential green infrastructure corridors (green arrows) to provide better connections)

Following the submission of further detail the Landscape objection was removed. It is considered that the amendments made to the landscape plan (ref Planting Plan below) based on the original Landscape comments were generally followed. The scheme will retain much of

the existing hedgerow and trees across the site and will enhance existing boundaries with additional 'native hedgerow' planting, interspersed with trees. The existing hedgerows / trees will screen the proposed units to a degree and will break up views across the site. The enhanced and additional planting will also in time screen the development and will add to green corridors within this area. There will remain vantage points from which parts of the site will remain viewable.

The agents have identified that following a review of the construction methodology to be adopted a further nine existing hedgerow gaps are to be widened slightly to accommodate the size of vehicles to be used. The landscape and visual appraisal concludes that the majority of visual receptors and the wider landscape character areas will have negligible or small adverse and reversible effects. Only the character of the site itself will have a medium adverse effect and again that will be reversible. To develop instant screening a miscanthus crop will be planted and hazel hurdles will be attached to the fence in sensitive locations along part of the southern and western boundaries and hedgerows and scrub planting will then be planted adjacent to these.

The solar farm and planting will have ongoing management and maintenance. The gap between the fencing and existing/proposed vegetation is required to facilitate vehicular access for maintenance of the fence and planting. The biodiversity management plan sets out the programme for the long-term habitat management which includes a table (table 3) setting out the frequency and timings of grass cutting, pruning and review of habitats. Replacement of any failed planting is also set out in the management plan ensuring the ongoing success of the habitats.



Planting Plan

The application site does not lie within a protected landscape and it is considered that the proposal would not affect the setting of a protected landscape. The proposal retains much of the existing field pattern and boundary hedges and it proposes to reinforce these with new and supplementary planting.

In conclusion the final LVIA findings are agreed – that is, that no significant major adverse landscape or visual effects are likely to result from this development apart from the obvious temporary change to the character and land use of the site itself resulting from the temporary loss of green field countryside. It is recognised that this specific change would have an adverse effect on the very local landscape character through the distinct change in how this area will be viewed from local vantage points. But these greatest visual changes will be localised, and limited to the nearest receptors along parts of the immediately adjoining rights of way only and from residents at Sevington, Leigh Delamere and adjoining properties, and the road users of the adjoining highways.

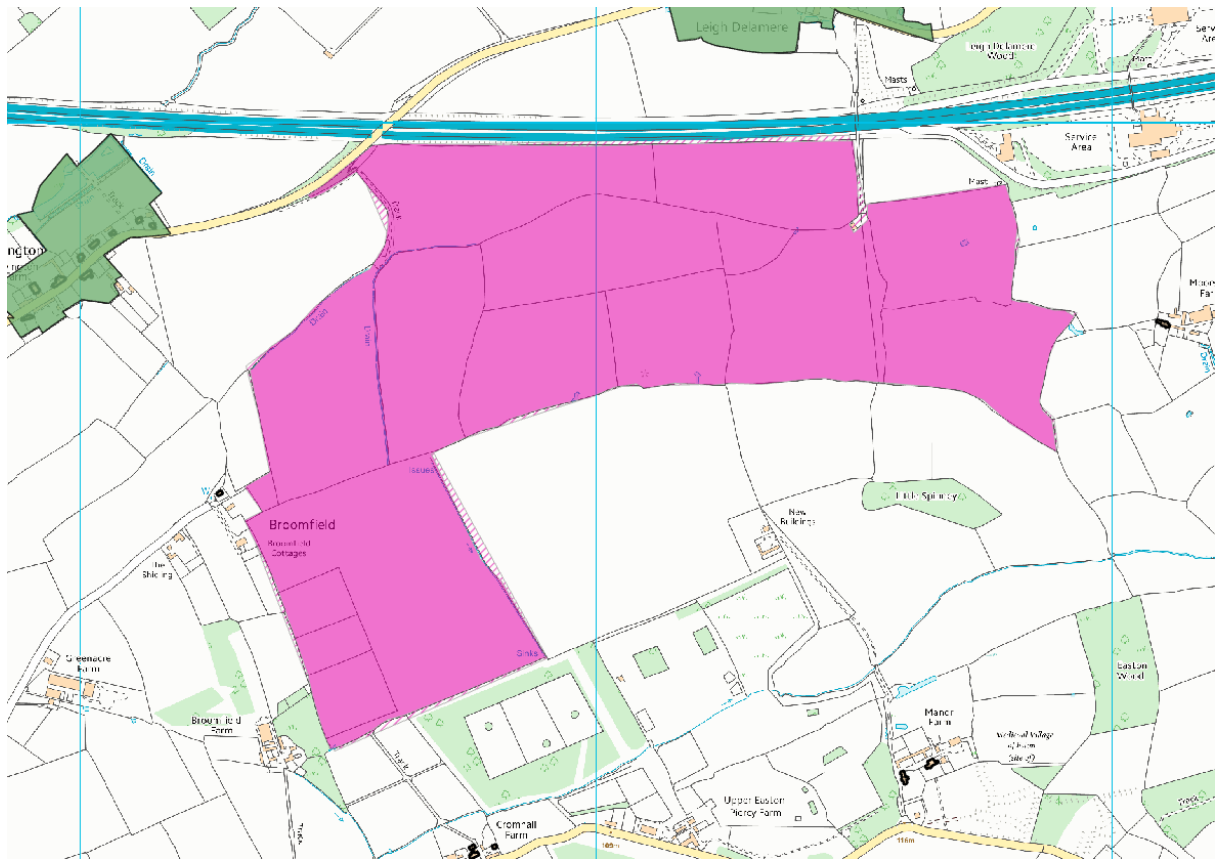
Core Policy 42 states that proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints, of which landscape impact is one. Core Policy 51 requires all new development proposals to conserve Wiltshire's landscape character and provide sufficient mitigation where necessary to combat any negative effects. It is considered that through appropriate landscaping that the negative visual impacts have been mitigated as far as possible for a scheme of this nature and there would be no unacceptable impact on wider landscape character. On balance the scheme is considered to comply with policy.

9.3 Heritage Impact

In determining this application, the Council has a statutory duty under section 16(2), 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and conservation areas or their setting or any features of special architectural or historic interest which they possess.

Concerns have been raised at the potential for impact on the setting of the many listed buildings around the site and contained within Sevington and Leigh Delamere villages and the conservation areas at these locations. Concerns are also raised at the potential for archaeology across the site. Support for the scheme, highlights that the archaeology will remain in-situ during the course of the development and will still be there following decommission, and that there must be a balance between heritage, landscape and the benefits of the scheme.

It is acknowledged that there are identified heritage assets within the general area, including Grade II Listed Buildings and two Conservation Areas (ref. Map below). To the north is Leigh Delamere conservation area and to the west is Sevington conservation area. On the western boundary of the site is the Grade II Listed 'Park Farm Cottage', which lies approximately 45 metres to the site boundary and approximately 100 metres to the nearest solar panel within the site.



Map showing heritage in relation to the site

Broomfield (Park Farm Cottage) – the listing (ref. Historic England website) for this property states:

GV II A pair of twin farm workers cottages built in the late C18 or early C19.

MATERIAL: Park Farm Cottage is built in rubble stone with ashlar stone dressings, with a pitched stone tiled roof with stone copings to the gable ends. It has one axial and two gable end stacks, constructed in stone with decorative bands.

PLAN: The building has a double depth plan with a late-C20 extension to the rear.

EXTERIOR: It has a symmetrical front elevation with entrances to the far left and right to each former cottage, flanked by two centrally positioned eight/eight panes sash window to each floor. The entrances have vertical boarded timber doors, with that to the right having a small porch added in the late C20. To the rear, above the late-C20 flat roofed extension, are two eight/eight panes sash windows to each former cottage. The gable ends have a small centrally positioned six/six pane sash window at attic level, and a small six/six pane sash on ground floor level, lighting the rear end of each cottage.

INTERIOR: The building contains a number of late-C18 and C19 features. On the ground floor: stairs with turned balusters, a flag stone floor, two large stone fire surrounds with cast iron ranges and a rendered brick cream-maker. And upstairs there are small stone fire surrounds with cast iron grates in each bedroom, and timber boarded doors with attached boarded screens to the attic rooms.

HISTORY: The twin cottages belonged to Park Farm and were probably built as workers accommodation. The cottages share the same vernacular characteristics as Park Farmhouse

(qv) which has a date stone of 1778. Between 1886 and 1900 the twin cottages were extended to the rear, now occupied by the late-C20 kitchen extension.

From the Historic England web site, Park Farm Cottage merits designation for the following main reasons:

1. Despite its conversion into one dwelling, the plan-form of these former twin cottages has survived mostly intact, and it contains a number of good quality late-C18 and C19 fixtures and features.
2. Although modest, its symmetrical and balanced design displays good quality craftsmanship using distinctive local materials.
3. It forms an interesting group with the nationally important Park Farmhouse (qv) with which it is historically associated.

Park Farmhouse lies approximately 700 metres to the southwest of the site.

Initial comments received from the CO identified that there are a lot of blank areas within the site where panels are not proposed to be installed. However, there are panels shown in the areas close to the listed buildings, in particular Broomfield, with the listed Park Farm Cottage. The CO questions whether or not it is necessary to cover the entire site with panels and why are they being shown closer to the listed buildings? The CO considered that if the panels were moved away from the listed buildings and put on one of the blank areas further in the site, then any potential harm caused would be reduced. However, as clarified by the agent, the areas of land to be left blank contain archaeology that would prevent the placing of panels in these locations.

The CO's response to the applicant's assertion that there may be archaeology in the areas that have been left blank is to suggest that archaeological investigations would determine what, if anything is below ground and whether the layout could be amended and they are unclear as to why unknown below ground heritage assets take precedence over known above ground heritage assets.

It is not the case that underground archaeology is taking precedence over above ground heritage; both are recognised heritage assets within the area and must form part of the consideration of this application. As detailed within the application and through the archaeologist's response the two large blank areas have already been identified through further on-site survey work to be of high value archaeology. As such the assessment must now fall to whether the location of the panels and infrastructure would have a significant harmful impact as to warrant a refusal of the application.

The Conservation Officer identifies, based on the current application details, that the level of harm to the assets is less than substantial, at the lower end of the scale. The CO further asserts that amending the layout so that panels are moved further from the listed building would reduce this level of harm. However, to move panels onto the blank areas would place the structures in conflict with the identified archaeology. The CO states that using solar panels that sit lower to the ground or are smaller so that they are lower than 2.3m would make them slightly less visible, thereby slightly reducing the level of harm. These comments are acknowledged, however, the scheme is what is before the LPA and as confirmed by the CO *"the level of harm is less than substantial, at the lower end of the scale"* and this conclusion is drawn without the suggested amendments of the CO.

Para 199 of the NPPF states that *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is*

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.

As the proposals will cause harm, albeit less than substantial at the lower end of the scale, paragraph 202 of the NPPF is engaged. Para 202 of the NPPF states that “*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*”.

The CO confirms that it is for the planning officer / decision maker to evaluate the proposals and decide whether the public benefits outweigh the harm that would be caused. They then identify that should consent be granted that condition be imposed seeking the removal of the facility following the cessation of the solar farm use and imposing a speed limit on construction traffic of 20mph from the motorway to the site in order to minimise damage to heritage assets and historic fabric.

With regard to the conditions requested, it is standard for a decommissioning condition to be imposed that will seek the removal of the solar farm following the allotted time period and that this detail will seek the level of detail necessary to ensure that the land is returned to its former state / or better. This condition is considered reasonable and necessary to make the development acceptable in planning terms and in order to comply with both Local and National Policy.

Turning to the second condition requested this would need to meet the tests as set out in paragraph 56 of the NPPF that makes clear that planning conditions should be kept to a minimum and only used where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. There is no current restrictions on HGV's or large vehicles that pass alongside any historic buildings along the route from the M4 to the site, other than those imposed speed limit areas running through the villages, namely 30mph. There are not recognised heritage assets that bound the highway along the entire proposed construction routes length, therefore to impose a speed limit for this length would be unreasonable, when the reason for imposing it is to protect heritage. Further with reference to the national speed limits imposed the road conditions are not such that the construction traffic would be thundering past at high speed any heritage assets along the proposed route. It would also be unreasonable to impose a 20mph speed restriction on the construction traffic where all other traffic would be trying to traverse at the national speed limit and it would not be feasible to enforce. Therefore, the requirements of this condition are considered neither necessary, enforceable or reasonable in all other aspects and cannot therefore be imposed.

In assessing this scheme consideration has been given to the impact on the surroundings, the listed buildings and impact on the conservation areas at Sevington and Leigh Delamere.

Paragraph 194 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance. In this case, the applications are accompanied by a “Heritage Desk-Based Assessment” which identifies the affected heritage assets and discusses the impacts on their significance.

From available resources, including historic mapping, tithe awards and the submitted landscape and visual appraisal, it is recognised that the assets affected by the proposed scheme have been correctly identified within the DBA. It is considered that the assessments of the significance of the various assets set out in the DBA, including the finding that the site makes only a limited and generalised contribution to their key values is agreed. The rural

agricultural landscape, including the site, provides the wider setting to the assets and contributes to their significance in so far as it provides the setting within which they are experienced and understood. In addition, there is a more specific relationship where there is a shared historical association - the site forms part of the Sevington Estate which is historically associated with Sevington village and its C19 landowner Joseph Neeld, who commissioned a number of the buildings there.

The report identifies that there will be some loss of rural character and a consequent visual impact on the setting of the heritage assets as a result of the proposed development of the site with photo-voltaic panels and associated infrastructure which will tend to appear as hard edged and alien features and which will contribute to a gradual erosion of the agricultural landscape. However, it concludes that this will be limited and reduced by the proposed landscape mitigation around the site, to the point that there will be no harm caused.

It is considered, taking into account the information in the Landscape and Visual Impact Assessment, that it seems unlikely that the landscaping proposed will be so effective throughout the whole of the year as to preclude any visual impact from the site and it is therefore considered that there will remain some remnant of harm to the wider setting within which the surrounding heritage assets are experienced, including Sevington Conservation area and the listed buildings within it, and Park Farm Cottage which neighbours the site. It is considered that the impact resulting from this erosion of the landscape, however, will be limited and the key heritage significance of the assets deriving from their fabric and immediate relationships and setting will largely be preserved.

On this basis, according to the scale of harm set out within the DBA it is considered that the level of harm should be more accurately assessed as less than substantial harm, at the lower end of the scale, rather than as 'no harm' as suggested within the submission. This is generally agreed by the CO who confirms that "*the level of harm is less than substantial, at the lower end of the scale*". In addition, the scheme is for a temporary change, albeit for 40 years, it is intended that in the future the land would be restored through the decommissioning process.

In summary the proposals would result in some level of harm to the wider rural setting of heritage assets near to the site and a consequent impact on their significance. Given that there would be no direct impact on historic fabric, and that the key heritage significance of the assets would be preserved, the harm can be taken as "less than substantial harm" for the purposes of interpreting the NPPF and at the lower end of that category.

Paragraph 202 of the NPPF requires that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal". The public benefits include the provision of a renewable energy scheme generating in the region of 49.9MW that would power in excess of 13,000 homes and save over 20,000 tonnes of carbon emissions each. The scheme will also support the adjoining 'Leigh Delamere' services station through providing electricity towards EV infrastructure, as well as the likely biodiversity gain and benefits through the proposed development. A community fund of £800,000 through the lifetime of the scheme would also be secured if consent is granted. The weight to be attributed to these benefits is considered to be significant and would outweigh any less than substantial harm to the nearby heritage assets.

In line with the requirements of para. 202 of the framework, it is considered that the scheme would have substantial public benefits in terms of the contribution to Wiltshire's renewable energy supply and to the climate change strategy overall. On this basis, it is considered that the modest and "less than substantial" harm caused to the setting of the heritage assets by the installation is outweighed by these benefits. It is therefore considered that the proposal

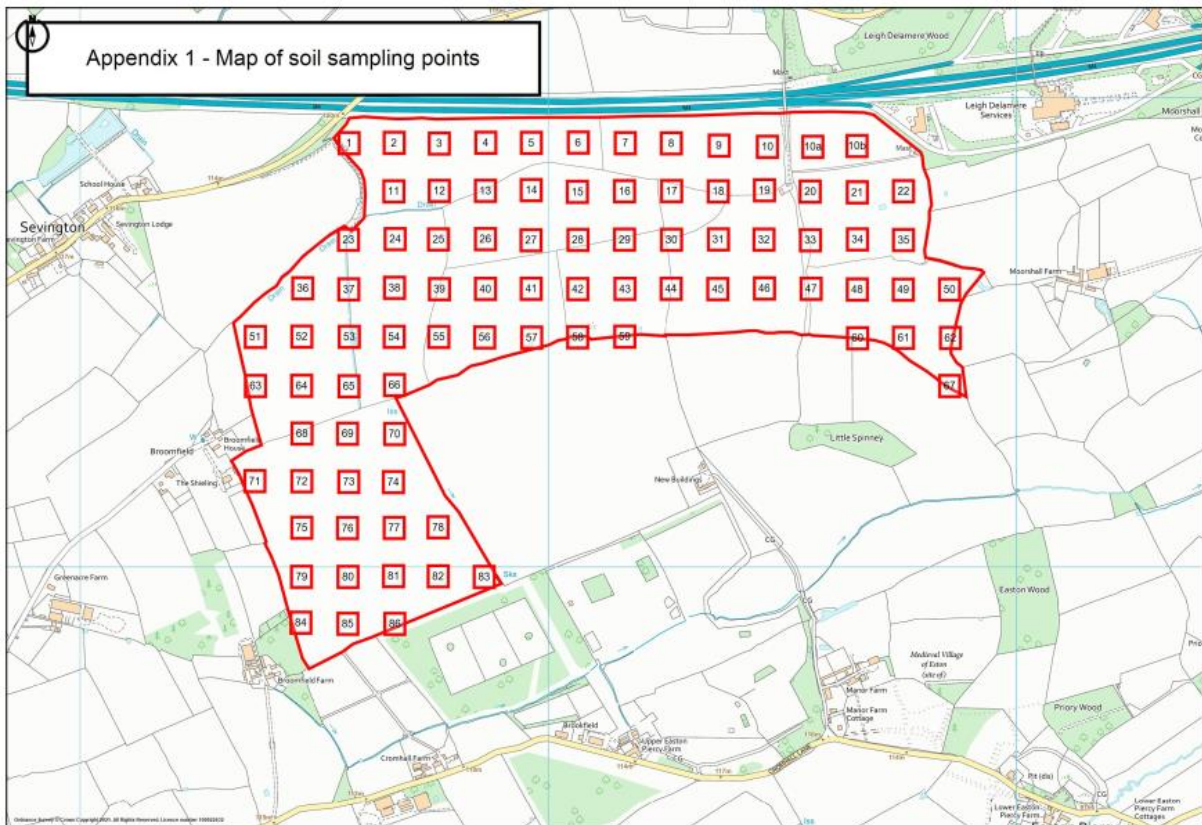
would comply with Section 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and CP 58 of the WCS and relevant paragraphs of the framework.

9.4 Agricultural Land

Objections received raise concerns at the loss of productive agricultural land through the industrialisation of the land by creating a solar farm. It is argued that the land should be retained for growing crops and that it is inappropriate to replace arable land for the grazing of livestock. It is stated that part of the land is organic soil accredited and its loss should be avoided.

Supporters recognise that the land could still be put to agricultural uses such as livestock grazing and that the solar farm will create an alternative income for the farming business as subsidy support reduces. It is recognised that the land is low grade (3b) agricultural land. Correspondence received from the NFU in support of this scheme states that *“the farming community continues to face formidable challenges with increasing regulation, volatile markets and fluctuating farming returns. In response to these challenges farmers have had to consider the resources available to them and look at new ways of developing their businesses so that they can maintain their business and remain competitive. This might include the need for modern agricultural buildings either to meet regulations or to achieve economies of scale and respond to changing market demand or could be something more innovative in order to adapt to and mitigate the impacts of climate change”*. They identify that *“As a nation we are embarking on a green revolution which the agricultural sector has a vital role to play, not only by reducing our own carbon footprint as set out in the NFU Net Zero ambition, but also by utilising agricultural land to produce green energy in all its forms by working to the strengths of the farms offerings and location”*.

An agricultural land classification report has been prepared in support of the application and clarifies that the site is classified as grade 3b agricultural land. Soil samples were taken across the site (ref. “Map of soil sampling points” below) and the results of which concluded the land to be grade 3b. No other defining evidence has been submitted to suggest that the conclusions reached are incorrect. The NPPF defines the Best and most versatile agricultural land as land in grades 1, 2 and 3a of the Agricultural Land Classification; as such this site does not consist of the best and most versatile land (BMV). Core Policy 42 criteria (viii) requires consideration to the protection of the best and most versatile land; as the land is not BMV, the scheme is considered to comply with criteria (viii) of the policy.



It is acknowledged that the total area of the site is 87.6 hectares of land, however, the siting of the solar panels does not cover every square metre of the land and it is recognised that the land can still play an important part in both agricultural and environmental purposes. It is recognised that grazing can still take place across the land below the proposed panels and also where identified within the supporting ecological details that land can be rested and left to develop as wildlife meadow. There are areas of the land that will remain untouched due to the presence of archaeology and there are also recognised areas of new landscaping and planting.

The temporary loss of grade 3b agricultural land is not contrary to the policies as set out within the development plan and the framework and the benefits through the provision of a solar farm generating renewable energy in this location are considered to outweigh the loss of a lower grade of arable land.

9.5 Drainage

CP 67 of the WCS states that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (SUDs) unless site or environmental conditions make these measures unsuitable.

Concerns have been raised at the potential for impact on drainage across the site through compaction and to areas of the site being prone to flooding. It is acknowledged that the site does not fall within a flood plain and is located in Flood Zone 1 which is the lowest designation of flood zone and one wherein development such as that proposed is acceptable in principle.

The LLFA recognise that whilst solar farms are considered to have a relatively low risk in relation to their contribution to surface water flooding, this is only the case when there are surface water flood risk mitigation measures in place. A drainage strategy as well as a land management strategy would be required when assessing the surface water flood risk

associated with sites such as this. The application has been supported with a Flood Risk Assessment (FRA) and 'technical and other matters response'. Comments now received from the LLFA support the application subject to the imposition of conditions on the following matters:

1. The applicant must demonstrate, via calculations, that no increase in discharge rates occurs because of the solar farm and all associated works.
2. The applicant must demonstrate that any potential channelisation risk between the channels is appropriately managed.
3. The applicant must demonstrate that exceedance flow paths (incorporating potential channelised flows) are safely managed so as not to cause flooding to 3rd parties or to electrical equipment (transformers etc)

The conditions are considered necessary and reasonable to impose and the applicant has indicated that they are willing to accept the recommended conditions.

The concerns raised are acknowledged, however, based on the latest plans and documents submitted, the Lead Local Flood Authority (LLFA) supports the proposed development, subject to conditions. With such conditions in place to control the points identified within the LLFA comments, it is considered that the development would accord with the requirements of paragraph 167 of the NPPF that is, that the development would not lead to increased flood risks elsewhere and with Core Policy 67 of the WCS.

9.6 Ecological Impact

In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species, in line with the NPPF and with CP50 WCS (2015). Core Policy (CP) 50 provides the Council's stance on biodiversity and how development must take into consideration the importance of such features and species using an area, how they can be maintained and where it is deemed necessary to alter a feature, appropriate mitigation. Core Policy 50 also requires all development to demonstrate no net loss of biodiversity and for major applications such as this the expectation is that development will deliver a net gain. The NPPF also encourages applications to deliver measurable net gains (para 175 d) and the government has signalled its intention to bring forward legislation to require development to deliver 10% net biodiversity gain.

Objections received raise concerns at the negative impact on the local flora and fauna, a loss of rich diverse environment, loss of habitat to wildlife and the likely long-term harm through abandoned elements post decommission. This is countered through supporting arguments that the development will result in biodiversity net gain through new and enhanced tree and hedgerow planting, new wildflower meadows, enhancements to soil quality where it has been left to go fallow and would make a major contribution to tackling both the climate emergency and the ecological emergency.

Comments received from Natural England do not object to the proposed scheme in relation to the impact on protected nature conservation sites and supports the conditions relating to biodiversity agreed with the county ecologist. In general terms, for a scheme of this scale, it appears to be well-located to minimise risks to designated sites and to deliver wildlife enhancements.

The application has been submitted with supporting full ecological assessments, tree survey, biodiversity management plan, ecology biodiversity metric calculation kit and planting plan. The submitted reports have informed the conclusions reached on this scheme.

Through site visits and the information provided the site is recognised as being made up of approximately 65ha of arable farmland and 23ha of sheep grazed grassland; with field boundaries which are marked by species-rich hedgerows, mature trees and drainage ditches. The application site does not form part of any statutory or non-statutory designated sites.

Constraints reported within the site include: 4 fields of semi-improved species-rich grassland; hedgerows and mature trees; amphibians and reptiles, including a low population of GCN; breeding birds, including the Priority Species skylark; foraging and commuting bats, including Annex II species Barbastelle bats and lesser horseshoe bats; and brown hare and badgers. A HRA has been carried out and which concludes that the application is not likely to have significant impacts on the SAC and that an Appropriate Assessment is not required.

It is considered that the PV layout retains the majority of hedges and mature and veteran trees and provides buffers along features recognised as of value to biodiversity. Measures to mitigate impacts on biodiversity and provide enhancements are identified: these include hedge planting, tree planting, tussock grass margins, new wildflower grassland and the creation of ponds and scrapes. Such measures are considered acceptable and welcomed.

The amended biodiversity net gain calculation using the Defra biodiversity metric Version 3.0 predicts a net gain of 54.27% for habitats and 51.97% for hedgerows. The calculation has been adjusted to account for a possible reduction in botanical diversity in fields 9-12. The calculation assumes 'other neutral grassland' of good condition can be achieved under panels on arable fields. It is considered that whilst the ability to create this habitat type has not yet been proven, the evidence submitted strongly indicates that the proposed grassland will be of greater botanical diversity than arable.

In response to issues raised further survey work / details have been supplied in support of the application. Also, the applicants have submitted a Preliminary Ecological Assessment of the Cable Route for Proposed Solar Farm prepared by Wychwood Biodiversity (22/02/2022). This assessment and the mitigation measures within it satisfactorily address the concerns raised about the cable route.

The following required mitigation and enhancements as detailed in Ecology App A. Full Ecological Assessment and represented on Ecology App G Habitat Establishment Map appear to be achievable within the Developments Proposals:

- a) Retention of ponds with a 50m buffer around pond 4 (supporting GCN) and 10m around ponds 1 and 2.
- b) Expansion of 2 existing ponds and creation of 2 scrapes, hibernacular and log piles.
- c) 10m buffer around badger sett.
- d) Erection of 20 bat boxes and 20 bird boxes.
- e) Open areas in fields 1 and 6 managed for breeding skylark.
- f) Grassland creation using a combination of green hay, seeds and site wide grassland conservation management.
- g) Tussocky field margins.
- h) Hedgerow infill planting, scrub planting, new hedgerows and tree planting.

Subject to condition, the ecologist is satisfied that in combination, these measures will ensure that the site retains the functionality of its habitats for wildlife. Therefore, the following conditions have been requested and should be imposed on any permission given:

- that the development is carried out in full compliance with submitted habitata and CEMP maps;
- that development shall not commence until the submission of a final CEMP has been approved;

- Submission of a lighting scheme before development commences unless no lighting is required;
- that development shall not commence until the submission of a final LEMP has been approved;
- Submission of a scheme of monitoring for the BMP approved before development commences; and
- Decommissioning condition.

The conditions are considered reasonable and necessary to make the development acceptable in planning terms and in order to comply with both Local and National Policy.

It is considered that subject to these conditions, the proposed development can be undertaken without having an adverse impact on protected species or their habitat. The proposed scheme also includes the introduction of green infrastructure and habitat creation which are considered to represent an ecological enhancement. It is considered that the proposed development accords with Core Strategy Policy 50 and requirements in Section 15 of the NPPF.

9.7 Archaeology

An Archaeological and Heritage Assessment has been carried out in support of the application. The initial heritage assessment and the geophysical survey submitted in support of the application identified two areas of intense archaeological activity along with the potential for remains associated with later medieval and post-medieval land-use as well as possible archaeological features and anomalies scattered across the rest of the area.

These surveys provided much useful data, which resulted in two areas of high value archaeology being excluded from the proposed development. Subsequently further investigative works were necessary to be carried out in order to 'ground truth' some of the assumptions drawn from these surveys, so that the true character, date and extent of the archaeological resource within the site could be fully understood.

Following the submission of updated information, the Council's Archaeologist has now concluded, following re-consultations and apparent on-going discussions between the Archaeologists, to not raise an objection subject to the imposition of conditions relating to the provision of an 'Archaeological Management Plan' relating to the development site as a whole and further archaeological investigation relating to the cable run when an appropriate application is submitted. It is clear, based on the archaeologists comments, that the application can be approved subject to conditions, with appropriate mitigation where necessary to meet the requirements of both local and national policy.

9.8 Amenity of the area

Core Policy 57 of the WCS (2015) aims to ensure that proposed development would not have a detrimental impact to the amenity of adjoining buildings and uses. Core Policy 42 states the proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints, including (vii.) "residential amenity, including noise, odour, visual amenity and safety".

Concerns raised highlight unacceptable impacts on the occupiers of adjoining properties and users of the rights of way through for example air pollution, noise, glint and glare issues, loss of privacy and conflict with construction traffic. Concerns have been raised at battery safety and access for emergency services.

Comments received from the Council Public Protection Officer clarify that after having reviewed the noise assessment they are satisfied that the report demonstrates there will be no adverse noise impacts on residential dwellings within the proximity of the proposed development. They do not raise any objections in relation to glint and glare issues. They recommend the imposition of conditions in the interests of the amenity of the area. It is during the construction phase that noise issues would likely have most impact and this will be limited to work day hours and only for a limited time during the construction phase. Therefore, it is considered that the proposal would not give rise to an adverse impact upon the reasonable living conditions of the occupiers of neighbouring dwellings during the operational stage.

The proposed scheme is for the installation of solar panels with associated equipment, cabins, fencing etc. It has been suggested that there will be a loss of privacy from construction workers during the construction phase. With regard to the distances involved between the site and the nearest dwellings (in excess of 21 metres) it is considered that there would be no significant impact. Workers would also only be on site during the construction phase, with maintenance crews after this, as such there is no breach of policy on this point. Similarly, concerns have been expressed at the invasion of privacy through the security cameras; these will be trained along the fences as opposed to outward shots where they would serve little purpose. With regard to distances involved between the fence and existing properties this is also considered not to be a significant issue.

BRE guidance states that: *“Glint may be produced as a direct reflection of the sun in the surface of the solar PV panel. It may be the source of the visual issues regarding viewer distraction. Glare is a continuous source of brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint.”* It adds that solar PV panels are designed to absorb, not reflect, irradiation.

As detailed in the submitted Solar Photovoltaic Glint and Glare Study (June 2021), solar reflections are not possible for the identified road receptors assessed, as the panels will be resting at 60° (facing east in the morning and west in the evening) and will not return to a horizontal position when the sun is low in the sky to the west. In addition, screening in the form of vegetation is proposed to further mitigate views of the proposed development from road users. Along the M4 this will take the form of a band of trees and a hedge.

The Glint and Glare Study further identifies that solar reflections are not possible for the identified dwelling receptors assessed, as the panels will be resting at 60° to the east and west in the mornings and evenings respectively. If views of reflecting surfaces were possible to dwellings, separation distance between dwellings and the reflective area will be sufficient to reduce the impact to low (for which no mitigation is necessary).

It is also noted that, when the sun is low in the sky and with a steep tilt angle, solar reflections are expected to be projected towards the sky. No ground based receptor is expected to experience glare. As such, it is considered that the solar panels would not give rise to any nuisances in terms of glint and glare.

The impact on residents from traffic movements is acknowledged. During the operational phase of the site, such movements will be low and will have no adverse impact on residents around the site. Whilst issues pertaining to conflict between construction traffic and local residents and other users of the area will be heightened during the short term period of the construction process, not all of the issues are necessarily resolvable through the planning system. As discussed within the heritage section above, the national speed limit will restrict the speed at which vehicles can pass existing buildings along side the proposed route. Any damage caused to a building by a vehicle passing it would be a civil issue between the parties involved. There is the possibility that odours from construction traffic may be more prominent

during the construction phase, however, this will be for a limited period of time and the end result will be the provision of a solar installation that will be of a significant benefit to the environment.

The risk of pollution from fire, contamination etc are acknowledged; however, any large-scale battery installations in the UK must comply with stringent health and safety regulations, both during installation and operation. It is proposed that the batteries are securely housed in shipping containers, with safety measures including cooling systems to ensure they operate at safe temperatures. Fire detection and suppression systems, and continuous external monitoring will be included. The proposal will need to meet the necessary requirements of the Building Regulations 2010 – Approved Document B (volume 2 – 2019 edition).

The Council's Public Protection team raise no objection to the development subject to conditions relating to noise, air quality, contaminated land and the provision of a CEMP. These requirements are reasonable and necessary to make the development acceptable in planning terms.

On balance the proposed development is considered to comply with the criteria of Core Policies 57 and 42 of the WCS and that any limited impacts would not be so significant as to justify a reason for refusal in this instance. The significant benefits of providing a solar farm that can generate renewable energy for in excess of 13,000 dwellings per year is considered to outweigh any limited harm on the amenity of the area.

9.9 Highways

Core Policy 42 states the proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints, including (vi.) use of the local transport network. Core Policy 60 Sustainable Transport supports the premise for development within sustainable locations and this will be achieved through assessing and, where necessary, mitigating the impact of developments on transport users, local communities and the environment. Core Policy 61 Transport and new development, amongst other criteria aims to ensure that the proposal is capable of being served by safe access to the highway network. Core Policy 62 clarifies that development provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

Concerns have been raised that the proposal would result in an impact on highway safety through the intensification of traffic onto highways not capable of dealing with the extra loading. Also that the proposed route is very busy and cannot cope with the scale and additional HGV loading; and the proposed construction traffic will be in conflict with existing pedestrians, cyclist, horse riders, other vehicles etc, and with limited opportunity for safe passing will place existing road users at risk. Further concern is expressed that the video evidence demonstrates that the route is not suitable and if cars were not parked on the pavements the lorry could not have got passed; the submitted details are inadequate and unacceptable and the route is not credible, safe or compliant with policy.

Correspondence in support of the application argues that the main issue appears to be the access to the site and that many of the highways issues can be overcome through the use of temporary traffic lights or banksmen. It is argued that the benefits outweigh the small inconvenience of construction traffic during this short period of time.

The proposed route runs south from the M4 along the A350 and turns right onto 'West Cepen Way' outside of Chippenham and continues along the A350 until the 'Bumpers Farm' roundabout, and the route then turns right again onto the A420. The route heads west along the A420 for approximately 1.2 miles before turning right onto the B4039 heading northwest

to Yatton Keynell and right again through Yatton Keynell onto 'The Street', heading north until the crossroads between Sevington and Yatton Keynell is reached where the route turns right again for a run through Sevington to the site (ref Fig 5 below).

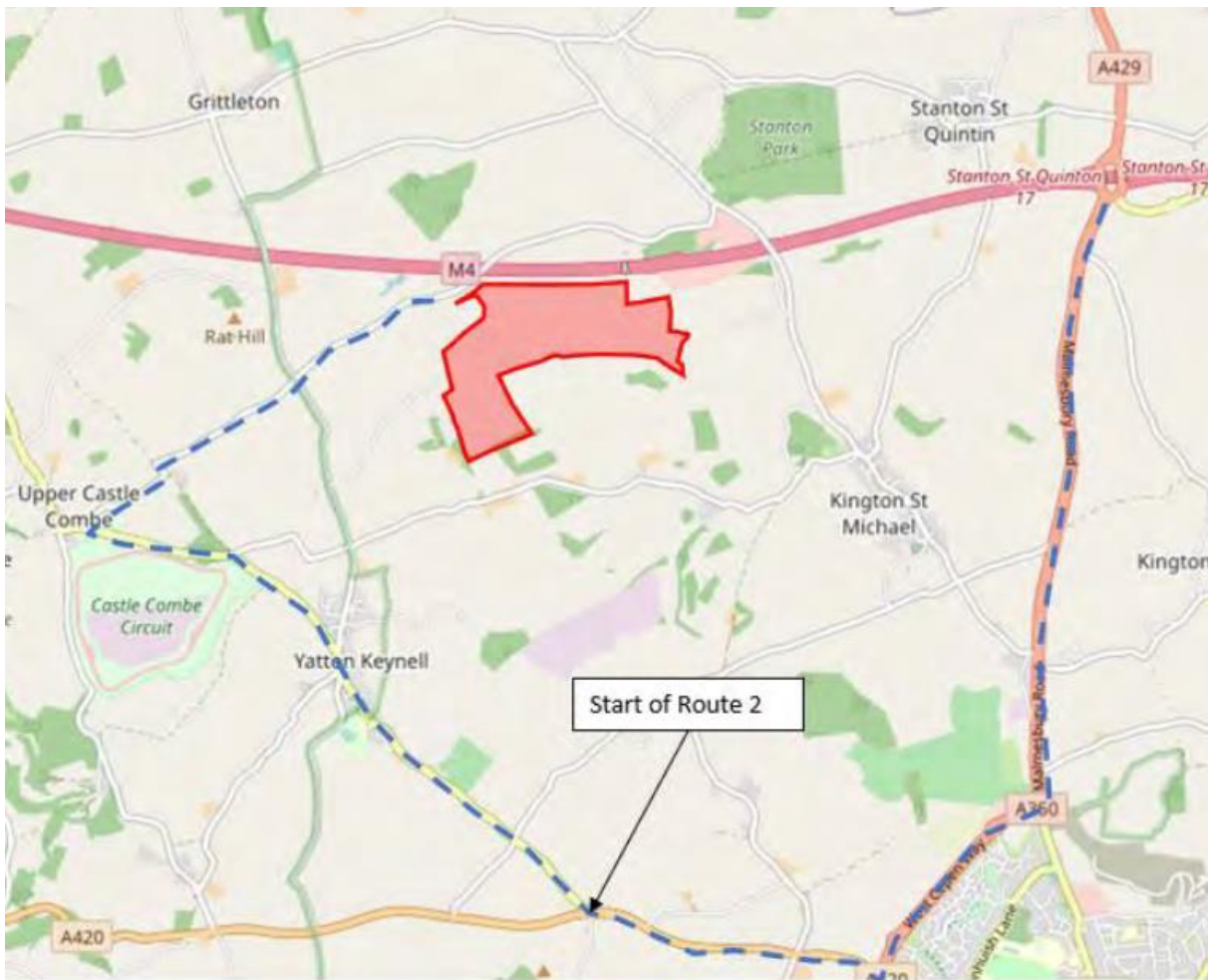


Figure 5: Route 2

The comments received from the highway officer do not raise objections to the proposed scheme subject to the imposition of conditions. They have reviewed the comprehensive submissions accompanying the application and have considered all details and comments raised in reaching the conclusion. The Construction Traffic Management Plan (CTMP) provided breaks down the estimated traffic movements, along with the likely staff and how to accommodate these movements during the day. Further detail on this matter when exact numbers are known will be caught by a CMS. The construction programme for the solar farm has been based on other similar schemes and this offers a degree of comfort in terms of the reality of timeframes. The scheme is also supported by the vehicle routing plan, together with measures to control the vehicle movements into and out of the site to minimise conflicts along the most constrained section of the highway. The extent of recorded public highway incorporates all proposed passing points and would allow for necessary improvements to a passing bay to allow vehicles to pass.

Whilst parking may take place within the villages and/or along highways, there is no legal right for any parking to take place on a highway, as the common law definition is "A highway is a way over which there exists a public right of passage, that is to say a right for all Her Majesty's subjects at all seasons of the year freely and at their will to pass and repass without let or

hindrance.” This is reflected within the highway code that states (para. 242) you must not leave your vehicle in a dangerous position or where it causes any unnecessary obstruction of the road and (para. 244) you must not park on the pavement, unless signs permit it.

Whilst it is accepted that the construction period will inevitably result in some inconvenience and disruption to residents and users of the Sevington Road, it needs to be acknowledged that such inconvenience and disruption will be over a relatively short period of time. There will be measures in place to minimise such disruption and inconvenience through the conditioning of a Construction Management Statement.

The conditions identified by the highway officer are considered reasonable and necessary, and it is therefore recommended that they are imposed on any permission given. With such conditions in place, it can be concluded that there would be no detrimental impacts to the highway network or to highway safety in general.

It should also be noted that the NPPF states 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.”

Given that it has been demonstrated that vehicle movements to and from the site by construction traffic can be appropriately managed, and the programme of works has set out a clear indication of the numbers of construction and delivery vehicles required to facilitate the development, it is considered that the cumulative impacts of the construction of the development would not result in a severe impact.

There are several public rights of way crossing the site and the proposed development would accommodate them on their existing routes and the effects on their users has been considered acceptable. The Council’s Public Rights of Way Team has raised no objection to the proposed development.

In light of the above, it is considered that the proposal would not have an adverse impact on highway safety or public rights of way and that it would accord with Core Policies 60, 61 and 62 of the Wiltshire Core Strategy.

9.10 Community Infrastructure Levy (CIL)

Not CIL development

10. Conclusion (The Planning Balance)

The proposed development is 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 and ancillary infrastructure. It is considered that the proposed development is sustainable development that will make a significant contribution to the supply of renewable energy helping to reduce carbon emissions required to meet the Climate Change Act 2050 net zero target. The principle of the proposed development is in accordance with current national and local planning policies, which are supportive of renewable energy schemes. The proposal is a large scheme that would provide a valuable contribution towards cutting greenhouse gas emissions. This attracts considerable weight in the overall planning balance, along with other benefits such as the ecological enhancements and biodiversity net gain that would be secured by the development, and associated local economic benefits associated with the construction phase.

The temporary loss of grade 3b agricultural land is not contrary to the policies as set out within the development plan and the framework and the benefits through the provision of a solar farm generating renewable energy in this location are considered to outweigh the loss of a lower grade of arable land. Although it is considered that the proposed development would have an adverse effect on local landscape character, whereby there is a distinct change in how this area will be viewed from local vantage points, it is considered that through appropriate landscaping that the negative visual impacts can be mitigated as far as possible for a scheme of this nature and there would be no unacceptable impact on wider landscape character. It is considered that the proposed development can be undertaken without having an adverse impact on protected species or their habitat. The proposed scheme also includes the introduction of green infrastructure and habitat creation which are considered to represent an ecological enhancement. Subject to condition, the ecologist is satisfied that in combination, the measures proposed will ensure that the site retains the functionality of its habitats for wildlife.

It is acknowledged that during the construction period there would be some conflict between the existing residents / users of the local highways and the proposed construction traffic. This disruption however, will be only for a relatively short period of time and there will be measures in place to minimise such disruption and inconvenience through the conditioning of a Construction Management Statement. With such conditions in place, it can be concluded that there would be no detrimental impacts to the highway network or to highway safety in general.

Further archaeological investigation will be required and this can be controlled through condition. It is considered that there will remain some remnant of harm to the wider setting within which the surrounding heritage assets are experienced, including Sevington Conservation area and the listed buildings within it, and Park Farm Cottage which neighbours the site. It is considered that the impact resulting from this change to the landscape, however, will be limited and the key heritage significance of the assets deriving from their fabric and immediate relationships and setting will largely be preserved. It is considered that the level of harm should be more accurately assessed as less than substantial harm, at the lower end of the scale, and that in any event this less than substantial harm is outweighed by the public benefits of the development. In addition, the scheme is for a temporary change, albeit for 40 years, and it is intended that in the future the land would be restored through the decommissioning process.

Whilst the scheme will lead to a degree of negative cumulative impact, the impact must be balanced by the benefits which would accrue from a renewable energy generator leading to less reliance on carbon. The proposed development would make a significant contribution towards Wiltshire's renewable energy target and as such it is considered that the overall environmental benefits associated with the proposal outweigh any adverse impacts. The proposal involves the use of temporary structures and a condition can be used to ensure that the installations are removed when no longer in use and that the land is restored to its previous use. Therefore, it is recommended that planning permission be granted subject to conditions to manage the detailed elements of the development and secure ongoing monitoring where appropriate.

The application would also provide additional benefits in the form of ecological enhancement of the immediate locality with a biodiversity net gain which is afforded moderate weight as a permanent benefit. The proposal would also ensure the long-term maintenance and improvements of the public footpaths which also carries minor weight in favour of the scheme. The proposed development would also provide local employment in the form of construction

jobs and contribute to the economy which is also afforded minor weight as a benefit of the scheme.

It is therefore considered that, on balance, the public, environmental and economic benefits of the proposal outweigh the relatively low levels of harm identified. It is therefore recommended that the application is granted permission subject to conditions to manage the detailed elements of the development and secure ongoing monitoring where appropriate.

RECOMMENDATION

The recommendation is to grant full planning permission subject to the conditions set out below:

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 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 and to ensure the long-term management of landscape and ecological features retained and created by the development and in the interests of the significance of the heritage assets and their setting.

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

- Site location plan, Dwg No. /264901/001 Rev A
- Site location plan, Dwg No. /264901/002 Rev A
- Site location plan, Dwg No. /264901/003 Rev A
- PV Layout, Dwg No. EDR1005-103 Rev AF
- Planting Plan, Dwg No. TOR-XX-XX-P-L-001 Rev K
- Single-axis tracker array details, Dwg No. EDR1005-202 Rev C
- PV array details, Dwg No. EDR1005-200 Rev D
- Fixed tilt array details, Dwg No. EDR1005-201 Rev C
- Customer substation building details, Dwg No. EDR1005-210 Rev B
- Distribution network operator container details, Dwg No. EDR1005-211 Rev B
- Customer cabin details, Dwg No. EDR1005-212 Rev B

- 40ft central inverter substation details, Dwg No. EDR1005-206 Rev C
- 53ft battery storage system details, Dwg No. EDR1005-207 Rev D
- Spare part container details, Dwg No. EDR1005-222
- Security Camera Plan, Dwg No. EDR1005-215 Rev E
- Fence and gate Details, Dwg No. EDR1005-214 Rev B
- Hedge Crossing Details, Dwg No. EDR1005-217 Rev A
- No-dig Road Details, Dwg No. EDR1005-230 Rev C
- Maintenance Road Details, Dwg No. EDR1005-216 Rev A
- Sevington Road Access Junction Visibility, Dwg No. 800.0023.002 Rev A, paul basham associates
- Sevington Road Access Junction General Arrangement and Tracking, Dwg No. 800.0023.001 Rev B, paul basham associates
- Vehicle Tracking along Sevington Road at the existing passing places (Sheet 1 of 5) paul basham associates, Dwg No. 800.0023.031 Rev A
- Vehicle Tracking along Sevington Road at the existing passing places (Sheet 2 of 5) paul basham associates, Dwg No. 800.0023.032 Rev A
- Vehicle Tracking along Sevington Road at the existing passing places (Sheet 3 of 5) paul basham associates, Dwg No. 800.0023.033
- Vehicle Tracking along Sevington Road at the existing passing places (Sheet 4 of 5) paul basham associates, Dwg No. 800.0023.034 Rev A
- Vehicle Tracking along Sevington Road at the existing passing places (Sheet 5 of 5) paul basham associates, Dwg No. 800.0023.035
- Application form
- Planning Design and Access Statement (dated June 2021)
- Noise Impact Assessment (dated 9th June 2021, by inacoustic)
- Solar Photovoltaic Glint and Glare Study (June 2021, PAGERPOWER, Urban and Renewables)
- Flood Risk Assessment (June 2021, Cotswold Transport Planning)
- Greenfield runoff rate estimation for sites (Jul 2021, HR Wallingford)
- Shadow Analysis (10177D Rev 6, Dec 2021) PAGERPOWER Urban and Renewables
- Heritage Desk-Based Assessment, CA Report: CR0310_3 (Apr. 2021, Cotswold Archaeology)
- Geophysical Survey Report (Dec 2020, Magnitude Surveys, Ref: MSST792)
- Written Scheme of investigation for an archaeological evaluation (CR 0844, Sept 2021)
- Archaeological Evaluation (Dec 2021) Cotswold Archaeology
- Full Ecological Assessment (dated 30th May 2022) by Wychwood Biodiversity Ltd
- Biodiversity Management Plan (BMP) (dated 31/05/22) by Wychwood Biodiversity Ltd
- Breeding Bird survey Report (dated June 2020) by Wychwood Biodiversity Ltd
- Phase 2: Badger, Bat and Great Crested Newt surveys (dated 28th January 2022) by Wychwood Biodiversity Ltd
- Evidence of Construction-related Damage to Grassland at a Solar Farm (Dec 2021) by Wychwood Biodiversity Ltd
- Evidence for the Effects of Solar Panels upon Botany (Jan 2022) by Wychwood Biodiversity Ltd
- Notes on Vegetation Research at Solar Farms (F Carvalho; H Montag; A Remazeilles; G Parker)

- Biodiversity Net Gain
- Habitat Establishment
- Habitat Management
- Surveying and Monitoring
- Avoidance and Reduction
- Memorandum – Solar shade Analysis (Feb 2022) by Great Ecology
- Preliminary Ecological Assessment of Cable Route for Proposed Solar Farm (dated 22nd February 2022) by Wychwood Biodiversity Ltd
- Arboricultural Feasibility Statement (Rev C, Feb 2021) ACD Environmental
- Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (dated 29/06/2021, Rev. A) by Hayden’s Arboricultural Consultants
- Arboricultural Impact Assessment and Method Statement (dated 28th April 2021; ref. PRI22319aia_ams)
- Agricultural Land Classification (date 11th June 2021) amet property
- Battery Safety Management Statement
- Transport Statement (dated May 2022) paulbasham associates
- Construction Route Note (dated Sept 2021) paulbasham associates
- Construction Traffic Management Plan (dated May 2022) paulbasham associates
- Landscape and Visual Appraisal (June 2021)
- Cumulative solar farms intersection of study areas
- Statement of Community Involvement (June 2021)

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

4. 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.
 - i. The applicant must demonstrate, via calculations, that no material increase in discharge rates occurs because of the solar farm and all associated works.
 - ii. The applicant must demonstrate that any potential channelisation risk between the channels is appropriately managed.
 - iii. The applicant must demonstrate that exceedance flow paths (incorporating potential channelised flows) are safely managed so as not to cause flooding to 3rd parties or to electrical equipment (transformers etc)

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the development can be adequately drained.

5. No development shall commence within the area indicated by application PL/2021/06100 until:

An Archaeological Management Plan, setting out how two archaeological exclusion zones are to be scoped out of the development and then protected from impacts during the developmental and operational phases of the proposals, has been submitted to and approved by the Local Planning Authority.

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

6. 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 "Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan (June 2021) by Hayden's Arboricultural Consultants.

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 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 and biodiversity.

7. Prior to construction commencing a final Construction Ecological Management Plan (CEMP) report will be submitted to and approved by the Local Authority. The CEMP will detail the avoidance, mitigation and protective measures to be implemented before and during the construction phase and demonstrate compliance with the mitigation measures detailed in Ecology App A. Full Ecological Assessment prepared by Wychwood Biodiversity (03/03/2022) and displayed on Ecology App G. Avoidance and Reduction CEMP Map. The CEMP must include, but not necessarily be limited to, the following mitigation and protective measures:
 - i. Identifying a suitably qualified ECoW who will oversee the construction works in relation to ecology.
 - ii. A drawing identifying the ecological protection areas/buffer zones that require temporary protection fencing including buffers and RPZ for trees.
 - iii. A requirement for update surveys required prior to start of works, especially for reptiles, amphibians including GCN, birds including skylark and lapwing and badgers.
 - iv. Methods for the sensitive removal of hedgerow sections where agreed.
 - v. Reasonable Avoidance Measures (RAMs) for reptiles, amphibians including GCN, birds including skylark and lapwing and badgers.
 - vi. If construction lighting is required, a strategy must be included in the CEMP which clearly demonstrates no impacts on sensitive, retained habitat features.

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.

8. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will demonstrate compliance with Ecology App G. Biodiversity Management Plan prepared by Wychwood Biodiversity (31st January 2022) and Ecology App G. Habitat Establishment Map. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

9. Prior to construction commencing a scheme of monitoring focused on the key aspects of the Biodiversity Management Plan must be submitted to and approved by the Local Authority. The monitoring scheme should comprise the following:
 - i. Commitment to undertake surveys immediately following completion to a) establish how effectively the CEMP was followed and b) to fix the baseline for future monitoring.
 - ii. Identification of the key features to be monitored and methodology to be used.
 - iii. Monitoring targets with specific measurable thresholds for success for each key feature with remediation measures incorporated where necessary.
 - iv. Commitment to continue monitoring for the operational lifetime of the installation in years 1, 3, 5, 10, 25 and 40.
 - v. 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 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.

10. The development hereby approved shall not 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. Detailed Site logistics arrangements;
- vi. Details regarding parking, deliveries, and storage;
- vii. Details regarding dust and noise mitigation;
- viii. Details of other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and
- ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

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

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

11. No development shall commence on site (including any works of demolition), until a Construction Management Statement, together with a site plan, which shall include the following:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during construction;
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii. measures for the protection of the natural environment.
- ix. hours of construction, including delivery schedules;
- x. traffic routeing signs and HGV turning warning signs (including signage drawing(s)), and associated trimming of vegetation (specifically at the Sevington Road/Rat Hill (C86) Junction to the north-west);
- xi. pre-condition photo survey; and
- xii. details confirming the passing bays on Sevington Road to be fit for purpose, in terms of construction/surfacing and dimensions

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

12. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 160 metres to the east and west from the centre of the access, in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

13. No development shall commence on site until details of the proposed width of the access track, including passing bays, has been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

14. The development hereby permitted shall not be first commenced until the access track between the public highway and the site compound has been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

15. No part of the development shall be commenced until details have been submitted to and approved in writing for the widening of the first passing bay from the junction of Sevington Road with the C86 Rat Hill by 0.4m, and such widening of the passing bay has been formed in accordance with the approved details. The passing bay shall always thereafter be kept clear of obstructions and available for the passing of vehicles.

REASON: To enable vehicles to pass in the interests of highway safety.

16. No construction or operational artificial lighting shall be installed at the site unless otherwise agreed in writing by the local planning authority.

No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site and in the interests of conserving biodiversity.

17. Notwithstanding the details hereby approved, the finished colour for all cabins, substation containers, fencing and any other structure that forms a part of this development shall be finished in a dark green (RAL 6007) and shall be maintained as such thereafter.

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

18. Landscape Planting shall be undertaken in accordance with the Leigh Delamere Planting Plan TOR-XX-XX-P-L-001 Revision K and maintained as such thereafter.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a programme to be agreed in writing with the Local Planning Authority.

All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats and to protect the National Highways estate and in the interest of the safe and efficient operation of the strategic road network.

19. 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 levels of amenity are achievable.

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 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.

21. Access to the development site shall be provided via Sevington Road only. There shall be no access to the development site from the M4 Leigh Delamere Motorway Service Area.

REASON: As required by 'National Highway' recommendation in the interest of the safe and efficient operation of the strategic road network.

Informatives:

22. Informative:

Survey result confirm that there is a risk that great crested newts could occur on the application site. These species and their resting places are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to adhere to recommendations made in the Full Ecological Assessment (Wychwood Biodiversity, 03/03/2022) and follow advice from an independent ecologist.

23. Informative:

A photographic pre-condition highway survey to be carried out to the section of highway of Sevington Road from the junction with C178 to the access to the application site, and copies of pre and post condition survey to be supplied to Wiltshire Council. The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

24. Informative:

The applicant should note that the costs of carrying out an archaeological investigation will fall to the applicant or their successors in title. The Local Planning Authority cannot be held responsible for any costs incurred.

25. Informative:

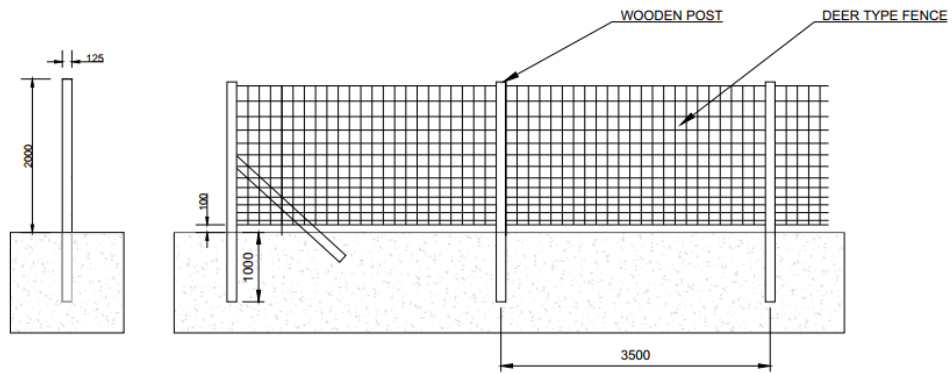
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory 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.

26. Informative:

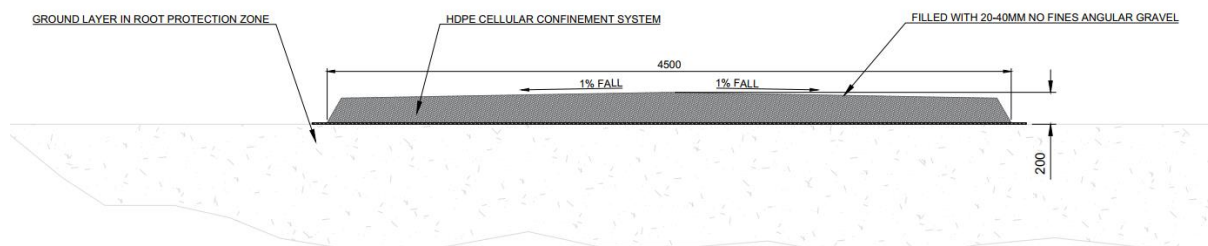
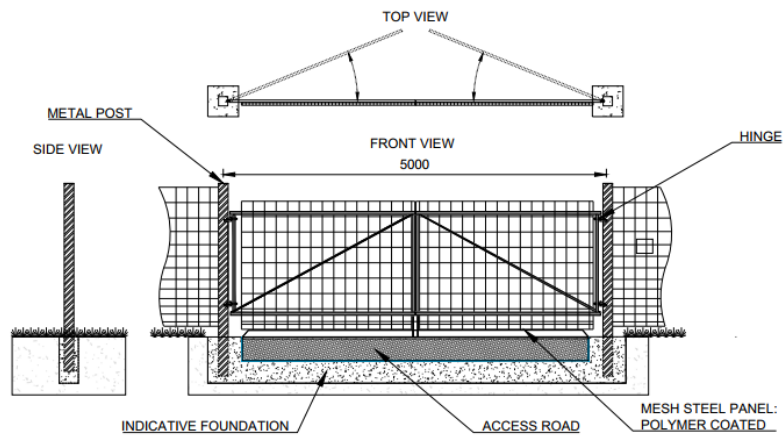
The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway.

Appendix 1 – Typical operation details

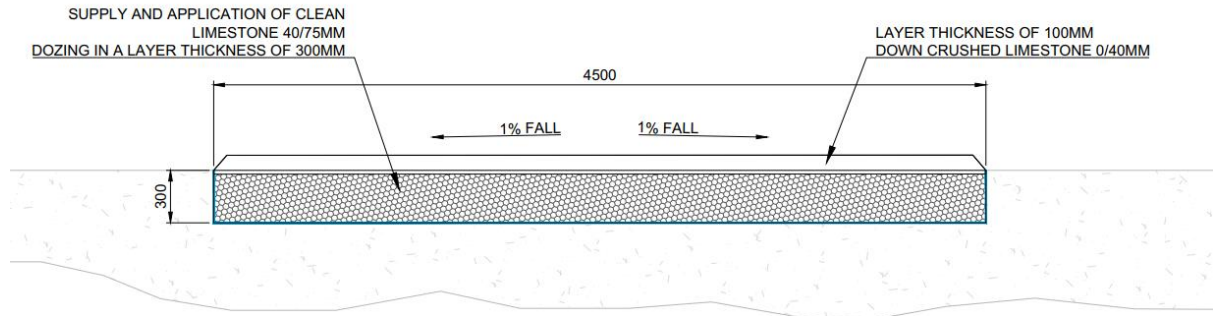
DETAIL A | Fence
M 1:50@A3



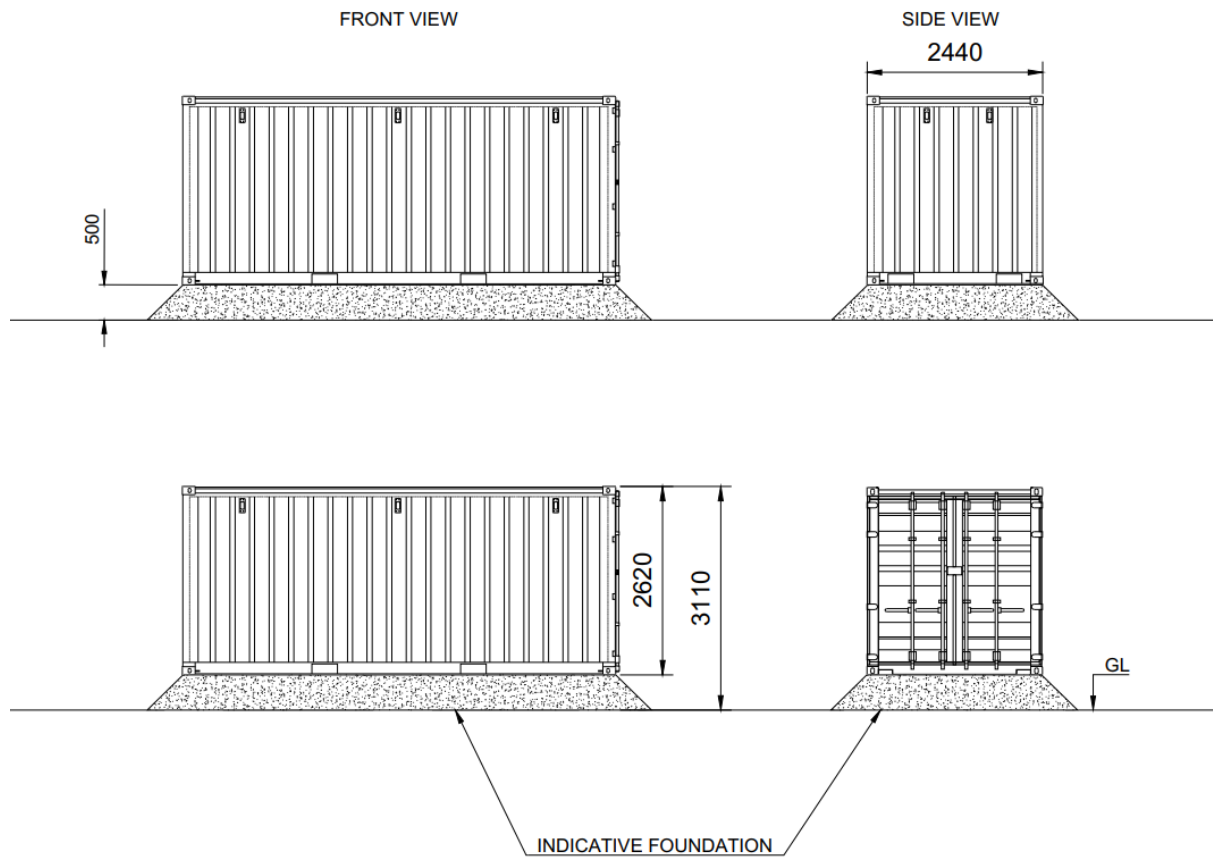
DETAIL B | Gate
M 1:50@A3



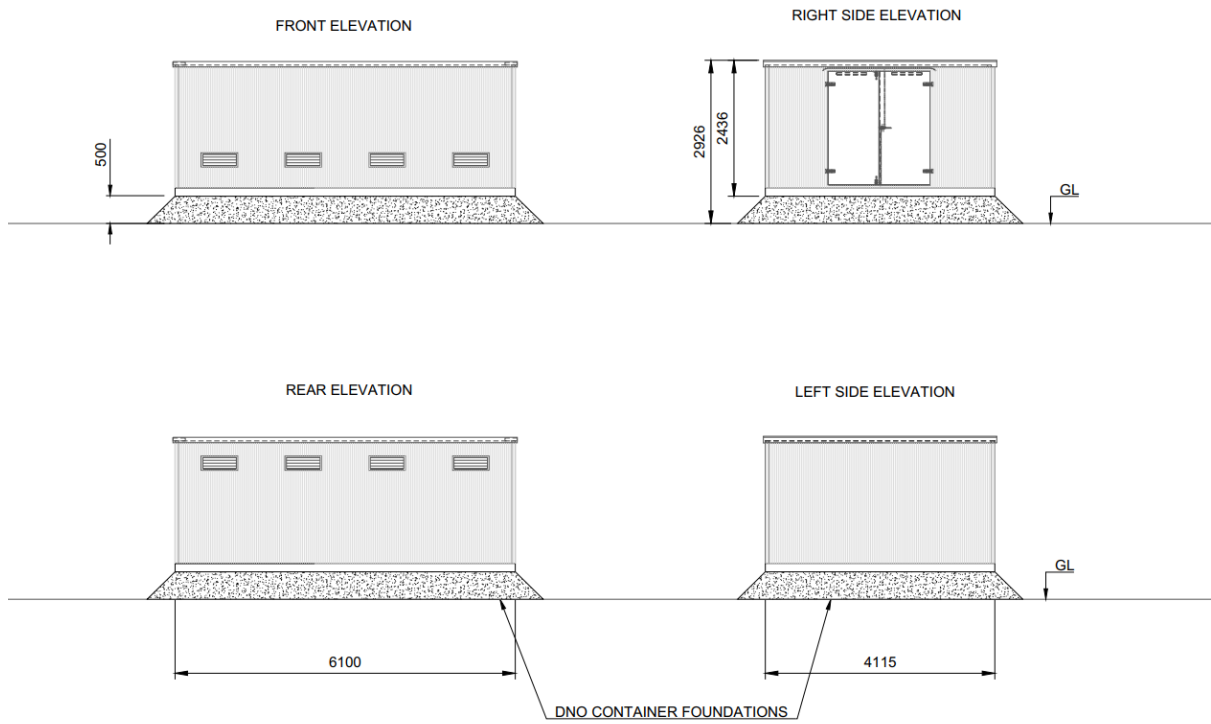
No-dig Road Details



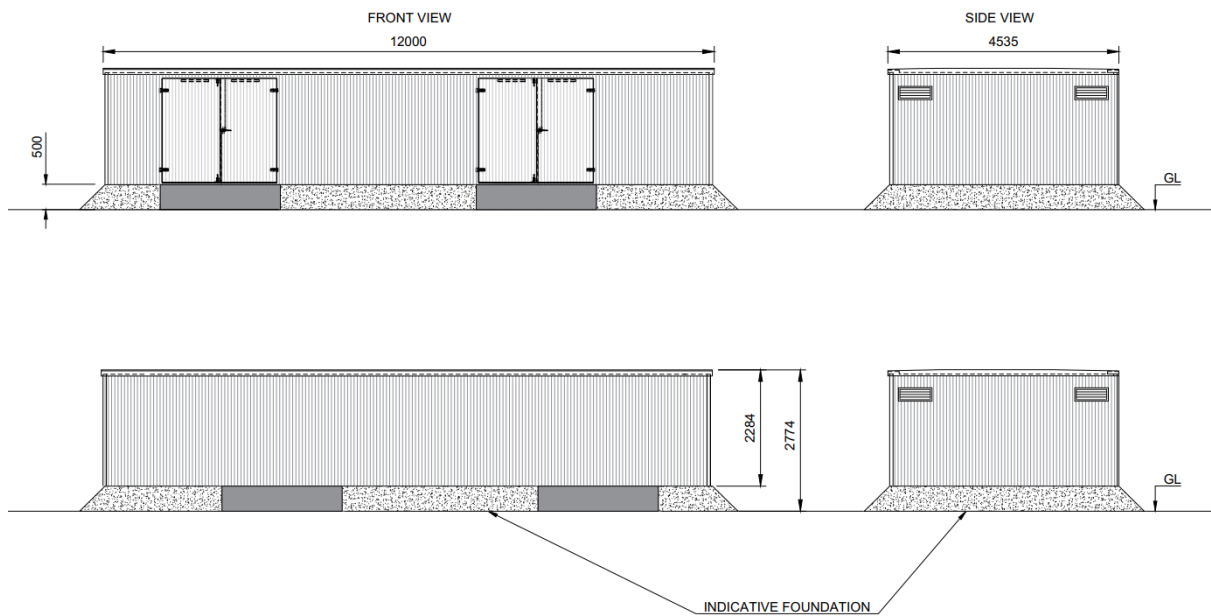
Maintenance Road Details



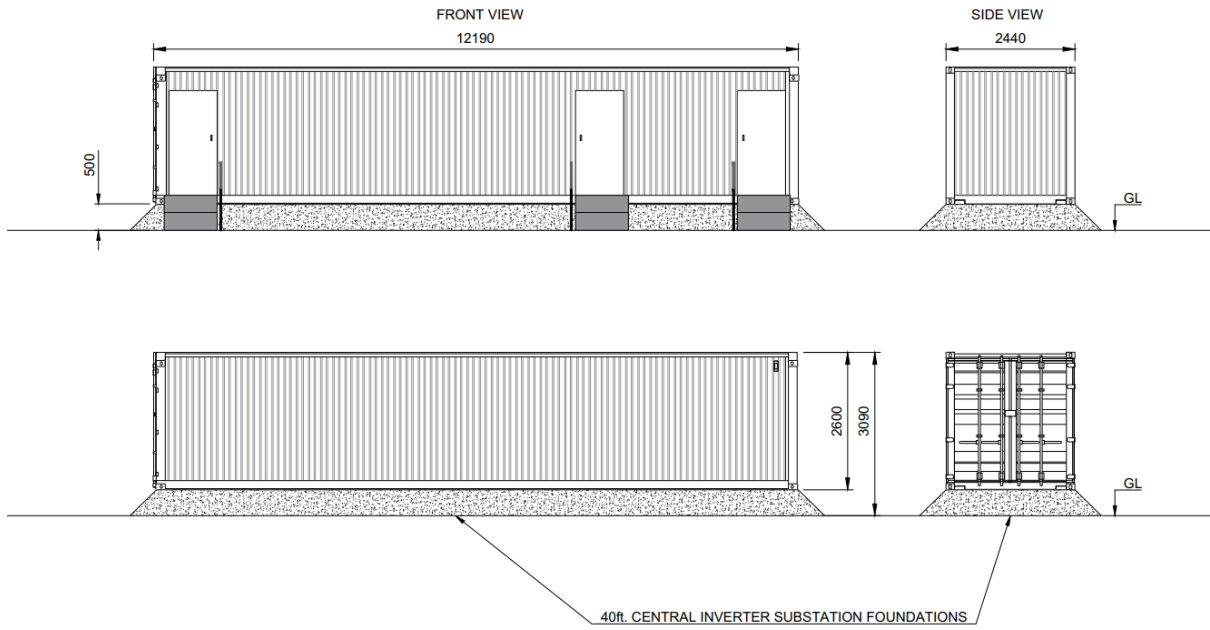
Spare Part Container



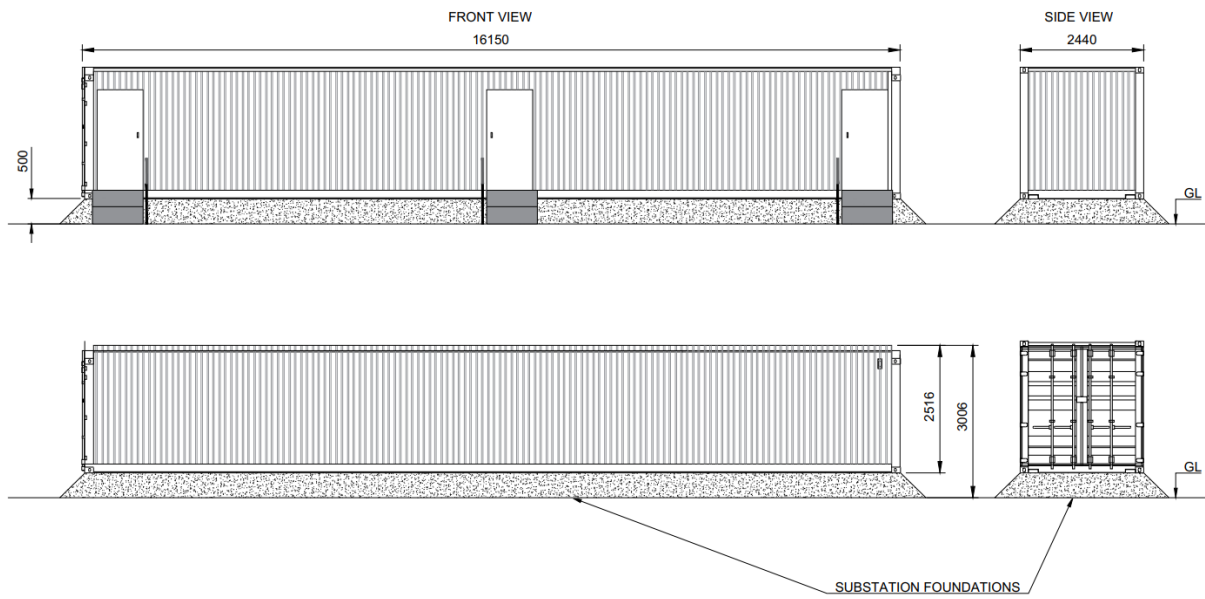
Distribution network operator container details



Customer cabin details



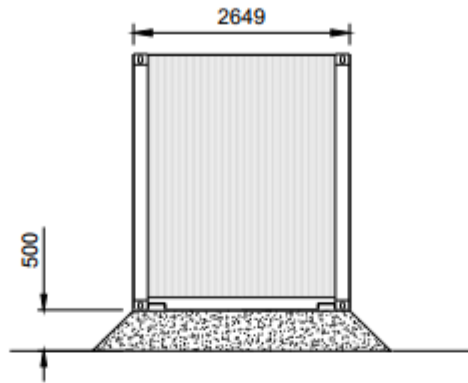
40ft central inverter substation details



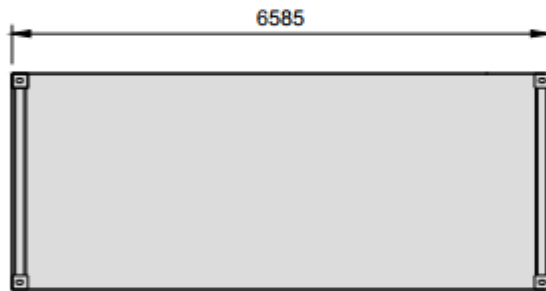
53ft battery storage system details

CUSTOMER SUBSTATION EXTERIOR VIEW

SIDE VIEW



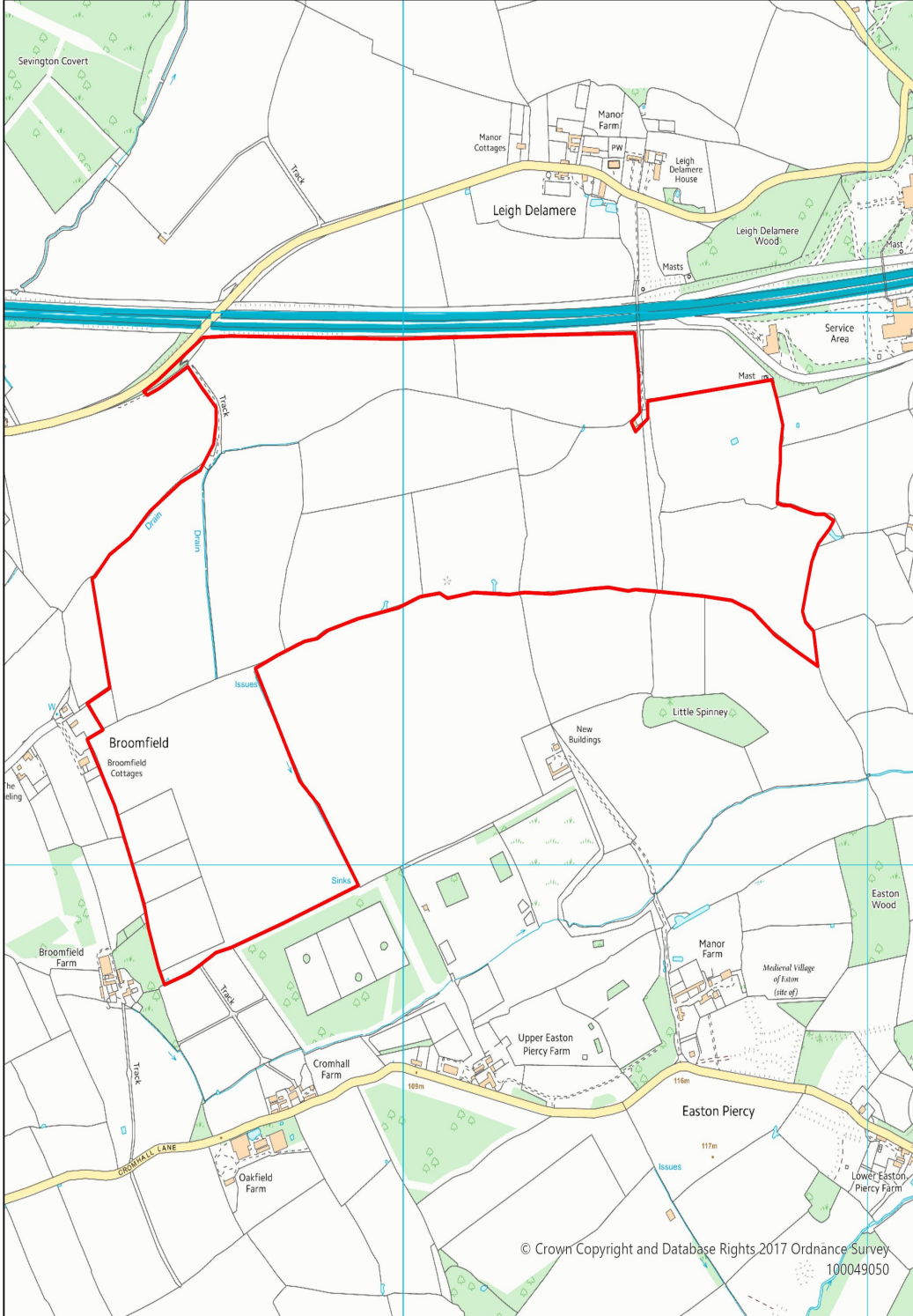
TOP VIEW



FRONT VIEW



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REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	10 August 2022
Application Number	20/06554/FUL
Site Address	Land at Empress Way, Ludgershall, Wiltshire
Proposal	Erection of 190 dwellings, car parking, access including extension to Empress Way, green infrastructure including open space and landscaping, infrastructure, drainage, utilities and engineering works. Off-site highway works at junction of Astor Crescent / Empress Way and Tidworth Road. Land reserved for 2-form entry primary school.
Applicant	Foreman Homes Ltd
Town/Parish Council	Ludgershall
Electoral Division	TIDWORTH EAST & LUDGERSHALL SOUTH – Cllr Pickernell
Grid Ref	427046 150467
Type of application	Full Planning
Case Officer	Martin Broderick / Andrew Guest

Reason for the application being considered by Committee

This application was ‘called in’ for Committee to determine by Cllr Christopher Williams on 8 October 2020. Changes to Division boundaries since this date mean that the Division Member is now Cllr Tony Pickernell. However, the original call-in request stands. The reason for the call-in is:

- Environment and Highways

This is a large-scale residential site and as such is to be considered by the Strategic Planning Committee.

1. Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved.

2. Report Summary

The key determining planning issues are considered to be:

- The principle of development;
- Impact upon the area and wider landscape;
- Flooding and drainage;

- Biodiversity;
- Archaeology;
- Nutrient neutrality;
- Neighbouring amenity;
- Highway Impacts;
- S106 contributions (Affordable Housing, Education, Air Quality, Public Art, Public Open Space, 2nd access, Waste, Biodiversity and Nutrient Neutrality).

3. Site Description

The Application Site ('The Site') is located at the town of Ludgershall, which is situated on the Wiltshire and Hampshire border, approximately 2.4 km north east of Tidworth (Figure1).

The L-shaped Site comprises land in arable agricultural use (cereal cropping) and extends to approximately 12.8 hectares, and is located to the south of the railway line that runs parallel to Andover Road (A342). The Site is positioned at the south-eastern edge of the settlement at the far eastern end of Empress Way and wrapping around to the east and south of the housing estate formed by Princess Mary Gardens, Camomile Drive, Orchid Drive and Cornflower Way (Figures 1 and 2).

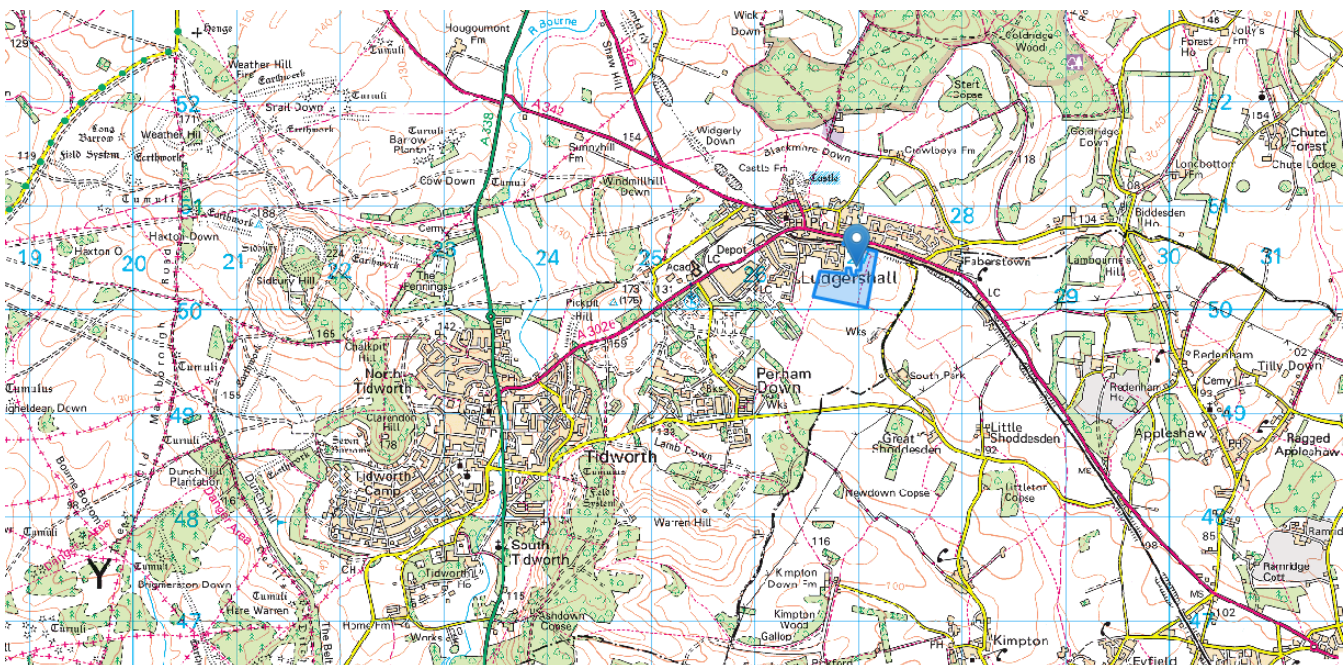


Figure 1 Site Location

The Site is bordered to the north by the railway line (serving MoD facilities) and mixed hedgerows and to the east and south by open fields. To the west, leading from Empress Way, the site is bound by land which benefits from planning permission for 80 dwellings (under application 18/04346/REM), while further south, the far western boundary also adjoins a residential site and allocation (Garden Centre, Granby Gardens) for 181 homes currently being developed by Foreman Homes (planning permission 14/06522/FUL) which is accessed from Simonds Road and Astor Crescent.

The Site benefits from an existing vehicular access point at the eastern end of Empress Way, which connects to the main road network at the junction with Tidworth Road (A3026) to the west.

A Public Right of Way – reference LUDG2 – runs east / west across the northern edge of the site and parallel to the railway line from Empress Way, before turning to follow a route due south before

facing east towards Shoddesden Lane. Another Right of Way – reference LUDG1– runs north to south along the far western boundary to Sidbury Meadows.

Further to the north, beyond the railway, lies the wider built-up area of Ludgershall with a large employment area, the Castledown Business Park, located to the west of the A3026 Tidworth Road. The A3026 Tidworth Road and the Castledown Business Park site are located approximately 650m to the west, whilst the local shops and facilities on the A342 Andover Road are located approximately 650m to the north (Figures 1 and 2).

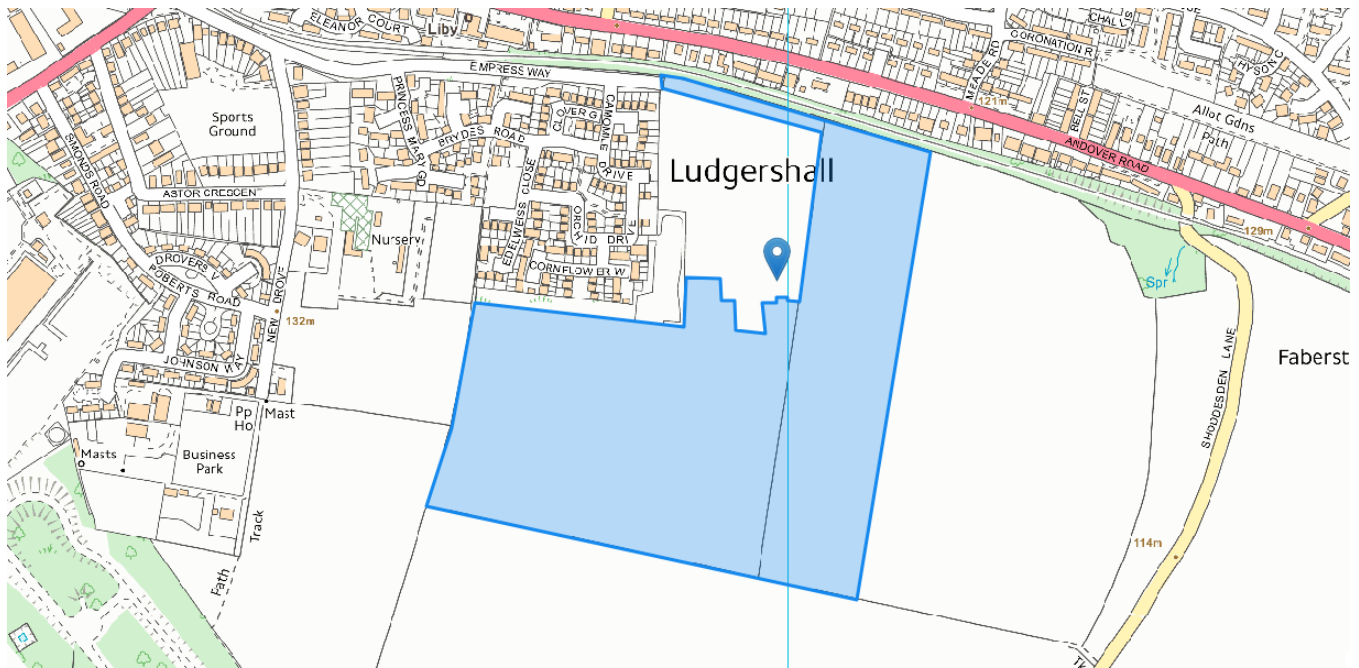


Figure 2 Detailed Site Location

4. Planning History of Application site

The application site now forms the larger part of the ‘Land at Empress Way’ housing site, as allocated under Policy H1.1 of the Wiltshire Housing Sites Allocation Plan 2020 (adopted February 2020).

The following planning application history is relevant:

Reference	Description	Decision	Date
K/59593/O	Erection of a garden centre incorporating associated landscaping, car parking and café	Approved	06.07.2012
E/2013/0234/OUT	Outline application for residential development (Class C3) of up to 109 dwellings with an extension to Empress Way, car parking, public open space and associated landscaping.	Approved	15.05.2015
18/04346/REM	Approval of the scale, appearance, layout and landscaping for the residential development of 80 dwellings with car parking, public open space and	Approved	03.06.2019

	associated landscaping pursuant to Outline Planning Permission E/2013/0234/OUT.		
16/10907/OUT	Outline application for up to 269 dwellings (Use Class C3), 2-form entry primary school, highways including extension to Empress Way, green infrastructure including open space and landscaping, infrastructure, drainage, utilities and engineering works – External Access from Empress Way not reserved	Refused & Dismissed	05.02.2017 06.02.2018
19/11699/DOC	Discharge of conditions 8, 10, 12, 13, 14, 16, 17 & 19, application reference E/2013/0234/OUT.	Awaiting decision	n/a

As set out in the above table, planning application 16/10907/OUT – which included land within the current application site – was refused and subsequently dismissed at appeal. 16/10907/OUT was submitted prior to the site’s more recent allocation as a housing site under Policy H1.1 of the Wiltshire Housing Site Allocations Plan, and so it was concluded by the Inspector at the time that the proposal for 269 dwellings was not required and would not represent sustainable development.

It is important to note that the LPA’s and the Inspector’s consideration of 16/10907/OUT established common ground on all technical and environmental matters including highway safety, landscape impact, drainage, arboriculture and heritage. In respect of infrastructure matters the appeal scheme was the subject of a bilateral agreement concerning conditions and obligations that was subject to review by the Inspector.

Following the allocation of the site in the Wiltshire Housing Site Allocation Plan under Policy H1.1, the Inspector’s issues on principle are addressed.

5. The Application

This Full Planning Application is made to Wiltshire Council in accordance with the plans (as submitted April/May 2022) for the following:

- 190 dwellings, including 30% (57) affordable homes;
- An extension of Empress Way to distributor road standards;
- Demonstrating a road connection within Foreman Homes’ control to the boundary of the site to facilitate potential future connection of the road westwards into Granby Gardens and Simonds Road;
- A reserve 1.8-hectare site for a new two-form entry primary school;
- New substantial areas of public open space including tree and hedgerow planting, habitat creation and two children’s play areas; and
- New pedestrian connections.



Site layout plan

Whilst the application does not seek to achieve planning consent for a new school, in line with Policy H1.1, land will be included to be safeguarded for Wiltshire Council to call on in the future to enable a school to be constructed, should this be required. As there remains significant uncertainty as to the need for a school on the site, other than ensuring the layout facilitates access to the safeguarded land, this application does not consider the impacts that may arise from a school being delivered. This instead will be for later planning applications in the event Wiltshire Council calls on the land.

Vehicular access to the site is proposed to be solely from Empress Way on the north side of the site. Although a road is proposed to be provided on the east side of the site, this would terminate short of the boundary and so not provide connectivity to the road beyond.

6. Planning Policy

The Wiltshire Core Strategy (adopted Jan 2015):

- CP1 – Settlement Strategy,
- CP2 – Delivery Strategy,
- CP3 – Infrastructure Requirements,

- CP26 - Spatial Strategy for the Tidworth Community Area,
- CP41 - Sustainable construction and low-carbon energy,
- CP43 – Providing affordable homes,
- CP45 – Meeting Wiltshire’s housing needs,
- CP46 – Meeting the needs of Wiltshire’s vulnerable and older people,
- CP50 – Biodiversity and Geodiversity,
- CP51 – Landscape,
- CP52 – Green Infrastructure,
- CP55 – Air Quality,
- CP57 – Ensuring High Quality Design and Place Shaping,
- CP58 – Ensuring the Conservation of the Historic Environment,
- CP60 – Sustainable Transport,
- CP61 – Transport and New Development,
- CP62 – Development Impacts upon the transport network,
- CP63 – Transport Strategic
- CP64 – Demand Management, and
- CP67 – Flood Risk

Retained saved policies of the **Kennet Local Plan 2011 (LP)** adopted June 2004.

Other

- The Wiltshire Waste Core Strategy (adopted 2009)
- Wiltshire Housing Site Allocations Plan (adopted Feb 2020)
- Policy WCS6 - Waste Reduction and Auditing
- The Wiltshire Local Transport Plan (LTP) and Car Parking Strategy
- National Planning Policy Framework July 2021 (NPPF)
- Planning Practice Guidance (PPG)
- Circular 06/2005 – Biodiversity and Geological Conservation
- “The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning 3” (HE GPA3)
- The Revised Wiltshire Council Planning Obligations SPD was adopted in October 2016 and supports the policies of the CS, particularly Policy CP3 concerning infrastructure requirements. This SPD identifies the planning obligations that will be sought by the Council for development that generates a need for new infrastructure.
- The Kennet Community Benefits from Planning SPG was adopted by the former Kennet District Council in 2005. The SPG remains relevant where it provides guidance to saved LP policies, namely HC34 and HC37.

7. Consultations

Ludgershall Town Council – Object because:

- The Traffic Survey A.3026/Astor Crescent was carried out during a holiday period, hence lower than normal traffic flows. The proposed new layout at traffic lights on the bridge has a potential for accidents to happen. Approaching the traffic lights from Astor Crescent is difficult due to parked cars and this stretch of road should have double yellow lines.
- I-Transport Statement where traffic lights at War memorial junction are mentioned at 6.11.3. The Council can see no benefit at all in this proposal and will be detrimental to all traffic through the Town can it be removed before any decision is made.
- There are no traffic calming measures along the main road through the proposed estate as this will encourage speeding and anti-social behaviour.
- Empress Way – only one access to the proposed development site for 190 dwellings, if this road was compromised due to accident/inclement weather emergency vehicles could not

access the site. This is of the highest importance for safety due to poor design of the traffic layout and breaches the Planning Policy Statement PPS3.

- Policy H1.1 states there should be a second egress/exit into Moyne Drive, Granby Gardens this road is also proving dangerous being a long straight stretch with play areas opening onto it. There has already been accidents involving children. Traffic calming measures have been removed due to flooding problems.
- The long sweeping design of the main site road could potentially cause speeding traffic (this already happens on Granby Gardens site) There should be traffic calming measures along this stretch of road.
- Drainage – no provision in the plans for site drainage (this is also a problem on Granby Gardens site) and could lead to flooding.
- Public Rights of Way – under Policy H1.1 there should be retention and enhancement of Ludg1 & Ludg2 footpath, especially over Network Rail property.
- Education – designated land for Primary education to remain until it is required, however there is a more pressing need for Secondary Education in the Ludgershall area.
- Loss of arable land and wildlife habitat.
- No consultation seen from Southern Water/Wessex Water/Veolia Water.
- Additional screening of boundaries on southern and eastern edges of the site are needed due to the site being on a high elevation and to enhance wildlife.
- With the recent weight restrictions in High Street/Castle Street more HGV's are having to use the traffic lights as through traffic and in bad weather could block the only access to The new development for emergency vehicles.
- To keep adding properties in Ludgershall, our infrastructure cannot cope without facilities being added.
- Over-development of the area.
- On Empress Way at the crossing which links the pathway to lady Jane walk, across the railway foot crossing behind the co-op, due to the amount of new traffic it would need a zebra crossing or traffic calming at this point on empress way.

Wiltshire Council Highways – No objection subject to conditions and S106 contribution. Heads of Terms (HoTs) agreed.

Wiltshire Council Archaeology - No objection subject to conditions. It was recommended that a programme of archaeological investigation is carried out in order to excavate and record these remains considered to be of archaeological interest. This is in line with the National Planning Policy Framework.

Wiltshire Council Drainage – No objection subject to the proposed development been subject to the drainage conditions being applied (and their previous comments being addressed within the detail submitted to discharge these conditions).

Wiltshire Council Public Open Spaces – No objection subject to S106 contribution. HoTs agreed.

Wiltshire Council Public Protection Officer – No objection subject to conditions and S106 contribution. HoTs agreed.

Wiltshire Council Air Quality Officer - No objection subject to conditions and S106 contribution. HoTs agreed.

Wiltshire Council Public Rights of Way Officer – No objection subject to condition.

Wiltshire Council Landscape Officer – No objection subject to conditions.

Wiltshire Council Education Officer - S106 contribution required. HoTs agreed.

Wiltshire Council Affordable Homes Officer - S106 contribution required. HoTs agreed.

Wiltshire Council Urban Designer – No objection subject to conditions.

Wiltshire Council Conservation Officer – No objection.

Wiltshire Council Public Arts Officer – No objection , S106 contribution is required. HoTs agreed.

Natural England – No Objection

Natural England notes that Wiltshire Council, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 63 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that Wiltshire Council is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given.

On 24/06/2022 Natural England concurred with the conclusion of the AA to determine no Adverse Effect on Integrity (AEoI) of Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA.

Defence Infrastructure Organisation Head Office – Drainage concerns but addressed by the applicant.

Salisbury and Wilton Swifts – No objection subject to condition.

8. Publicity and Subsequent Representations

The application was advertised by:

- press notice,
- site notice,
- publication to the Council's website,
- neighbour notifications, and
- notification of interested local organisations and parties.

64 letters of objection were received on the amended plans. The application has been the subject of consultation exercises (Statement of Community Involvement 3 August 2020), and the following is a summary of the position reached following these. This is a summary and does not purport to be a full recitation of all comments made. The comments made are summarised as follows:

- 190 houses is overdevelopment;
- Inadequate infrastructure;
- Too much traffic;
- Road safety especially for children;
- Services will not cope;
- Only one entrance and exit;

- Permission refused for previous development on this site;
- Need to divert footpath LUDG2;
- Effects on biodiversity e.g. skylark;
- An access through Granby Gardens will be dangerous;
- Noise pollution;
- Air quality;
- Current construction traffic is disruptive;
- Increase in anti social behaviour;
- Link road not included in plans;
- Loss of amenity e.g. dogwalking;
- More bus services needed;
- Cumulative effects with other developments;
- Effects on parking;
- One access/exit is adequate;
- Will affect house prices;
- Alternative 2nd access/exit to Shoddesdon Road; and
- Climate change effects.

- **Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle

The site is positioned to the south-east of the Ludgershall settlement boundary. The entirety of the site is associated with Policy H1.1 of the Wiltshire Housing Sites Allocation Plan (WHSAP) adopted February 2020, albeit land to the north-west of the allocation has Outline and Reserved Matters permission for housing development, and as such the Full application relates to the remainder of the allocation boundary, as outlined by the Policies Map.

Allocation H1.1 provides in principle support for the development of up to 270 homes at Empress Way, south-east Ludgershall. The allocation asks that development, including land permitted and land associated with this application, comprises:

- approximately 270 dwellings;
- vehicular access from Empress Way and Simonds Road/Moyne Drive, via the Granby Gardens development site, together with a connecting highways link between the two points of access;
- 1.8ha of land reserved for a two form entry primary school in the south eastern corner of the site; and
- improvements to cycling and walking routes through the site to link into the existing network, including the retention and enhancement of public rights of way LUDG1 and LUDG2.

Policy H1.1 sets out requirements for development, which are necessary for ensuring that the proposal is acceptable. These are:

- a planning obligation to safeguard land for a primary school for an agreed period of time;
- a transport assessment that will determine the trigger point for the delivery of the access via Simonds Road/Moyne Drive and inform detailed measures to mitigate impacts on the local road network;

- a Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site;
- layout and design of the development will be expected to take particular care to ensure that a suitable boundary with the open countryside is provided; and
- layout of the development will be informed by an odour assessment, to be undertaken in consultation with Southern Water to ensure a satisfactory living environment will be created.

Wiltshire Council specialists have determined whether the proposed development sufficiently meets these requirements relating to education, transport, flood risk, design and public protection. Matters directly relating to the location, proposed land use and scale of development are considered below.

The site is situated south-east of Ludgershall Market Town, as defined by Core Policy 1 of the Wiltshire Core Strategy adopted January 2015. Ludgershall is considered alongside Tidworth to have the ability to support sustainable patterns of living through the current levels of facilities, services and employment opportunities, as described by Core Policy 1. There is the potential for significant development at Market Towns to increase the number of jobs and homes to sustain and enhance services and facilities and promote self-containment.

Core Policy 2 Delivery Strategy of the Wiltshire Core Strategy provides that unless identified by policies of the Plan, development will not be permitted outside of the limits of development (settlement boundary). It also sets out that subsequent Site Allocations DPDs will identify sites for development in line with the Area Strategies. This relates to Core Policy 26: Tidworth Community Area with regards to the application proposal.

The Wiltshire Housing Sites Allocation Plan (WHSAP) identifies land at Ludgershall for housing development to support the role of settlements in the East Wiltshire HMA, to ensure supply, improve choice and competition in the market for land. Policy H1.1 allocates land at Empress Way for development and in hand identifies it as a sustainable location for growth in line with Core Policy 26 of the WCS.

In line with the above the allocation identifies this land for the development of housing in order to support the delivery of the Core Policy 26 Tidworth Community Area Strategy and the Wiltshire Core Strategy as a whole.

Additionally, land for a school has been identified in order to support a growing population in this location. This land should be secured as part of the requirements of Policy H1.1 to meet primary education needs in this area based on an assessment of future need. This should be retained for a defined period, as agreed with the Wiltshire Council Education Department and in the event that it is not required within the defined period, the land should revert to agricultural use.

The application proposes the development of 190 homes, in addition to the 80 homes permitted by the Reserved Matters application (18/04346/REM) to the north-west of the site. The WHSAP anticipated that an additional 160 homes would come forward in the remainder of the site and these would be in addition to the 109 homes permitted by the previous Outline application (E/2012/0234/OUT). In both circumstances, the number of homes to be delivered by the site as a whole is equal to or less than 270 homes and accords with Policy H1.1 and paragraph 5.16 of the WHSAP.

Policy H1.1 Empress Way of the Wiltshire Housing Sites Allocation Plan provides support for the proposed development in principle. The proposed development generally conforms with the allocation and Wiltshire Council colleagues have provided specialist input into whether the proposal has sufficiently met the elements and requirements of the policy which relate to specific matters such as transport, education and design.

9.2 Impact upon the character and appearance of the area and wider landscape

Core Policy 51 states that:

Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. This advice is echoed in paragraph 174 of the NPPF.

Core Policy 57 states that:

New development must relate positively to its landscape setting and the existing pattern of development by responding to local topography to ensure that important views into, within and out of the site are to be retained and enhanced. Development is required to effectively integrate into its setting and to justify and mitigate against any losses that may occur through the development.

There are no national or local landscape designations across this site and this site has never been designated as Green Belt. A Landscape and Visual Impact Assessment, a Landscape and Environment Mitigation Plan and an Arboricultural Impact Assessment have been submitted with the application.

It is accepted that approval of this application would change the character and appearance of the area as it is currently greenfield land which will be lost and replaced with dwellings and associated landscaping. However, as the land is designated for this purpose in the WHSAP this cannot amount to a sustainable reason to object. And in any event, the proposal incorporates landscaping and open spaces which will enable the development to blend satisfactorily into the landscape without causing harm to the wider landscape and amenity in general.

The Council's Landscape Officers have made no objection to the proposal subject to conditions and it is therefore considered that the proposal would not result in a detrimental impact upon the local area in this regard.

9.3 Drainage and Flooding

Core Policy 67 seeks to ensure all new development includes measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground unless site or environmental factors make these measures unsuitable. The NPPF at paragraph 167 requires all major development to incorporate SUDS unless there is clear evidence this would be inappropriate. The advice also requires advice from the LLFA to be taken into account and should have minimum operational standards and maintenance and where possible have multifunctional benefits.

The sites allocation plan states:

A Flood Risk Assessment (incorporating an assessment of the predicted effects of climate change) and comprehensive drainage strategy to inform site layout and design so that surface water is controlled and does not exacerbate flooding off-site.

The application has been submitted with a Flood Risk Assessment & Drainage Strategy and it confirms that the site lies within Flood Zone 1 (least likely to flood).

The entirety of the site is confirmed to be within Flood Zone 1, and at low risk of flooding from all other potential sources assessed. The use of the site for residential use is concluded to meet the requirements of the Sequential and Exception Tests.

Whilst no significant flood risks have been identified, in order to afford the site additional protection from any potential 'residual' flood risks, finished floor levels will be set a minimum 150mm above adjacent infrastructure thoroughfare levels. The current site layout with proposed highway and buildings shown has also been designed to create a preferential overland flow route through the site.

The proposed scheme will not result in a loss of floodplain storage or redirect any surface water overland flows onto adjacent land / properties.

Preliminary surface and foul water drainage strategies have been prepared which demonstrate that the site can be satisfactorily drained without detrimental effects to third party land. The system is based around infiltration so they will be dry basins & swales which will fill up to varying depths during different storm events.

Wiltshire Council Drainage has no objection, subject to conditions and believes the revised Drainage Strategy (Rev P04) has significantly addressed the drainage team's previous concerns, and has indicated how the site is at low risk of groundwater flooding, and has shown how infiltration-based drainage in accordance with Wiltshire Council's Soakaway Guidance can be utilised on the site.

Subject to conditions it is not considered there is conflict with Core Policy 67 or guidance within the NPPF.

9.4 Biodiversity

CP50 states that:

Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale. There is an expectation that such features shall be retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Where it has been demonstrated that such features cannot be retained, removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource, and secure the integrity of local ecological networks and provision of ecosystem services.

All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development.

Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77 of Wiltshire Core Strategy where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.

The following documents have been submitted and reviewed by Wiltshire Councils ecologist alongside plans and drawings:

- Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022).
- Landscape Proposals – Overview (sheet 1 of 9). Drawing ACLA/BLG 100 A/.
- Biodiversity Metric 3.0 (Biodiversity Net Gain Calculations).

The amended report (Lyndsay Carrington Ecological Services, March 2022) satisfactorily addresses concerns previously raised in relation to the assessment of impacts on bats, great crested newts, reptiles and birds.

Lapwing and Skylark –

To compensate for loss of habitat for the ground nesting birds of conservation importance, lapwing and skylark, a specific off-site area of land, located approximately 540 metres to the south of the proposed development and approximately 13.8ha in size, will be used to create suitable breeding habitat for both species.

As this land is outside the development boundary its provision and management will be secured via a Section 106 agreement.

Biodiversity enhancement and net gain –

The submitted BNG calculation predicts on-site net gain in 60.05% habitat units and 140.06% hedgerow units. These gains are based on the landscaping plan shown in Appendix XII of the Ecological Appraisal and Phase 2 Surveys prepared by Lyndsay Carrington Ecological Services (May 2022).

The achievement of these gains will depend on the successful completion of these features and their subsequent biodiversity led management. A Landscape and Ecological Management Plan is conditioned to demonstrate that the predicted net gains will be provided.

Lighting –

Features are being retained to mitigate and enhance the site for foraging and commuting bats including Annex II species.

In order to ensure these features are suitable for use by foraging and commuting bats a lighting strategy demonstrating no negative impact on bat flight paths has been conditioned.

Habitat Regulations Assessments –

Salisbury Plain SPA

This application lies within the 6.4km buffer zone of the Salisbury Plain SPA and in light of the HRA for the Wiltshire Core Strategy and the HRA for the Wiltshire Housing Site Allocations Plan it is screened into Appropriate Assessment due to the potential impact of recreational pressure on stone curlew in combination with other plans and projects. In July 2021 Natural England (NE) confirmed that the 2018 Appropriate Assessment for Salisbury Plain continues to be supported by NE. Appropriate assessment of the proposal has been carried out and reached a conclusion of no likely significant effect on the conservation objectives of the SPA, after mitigation.

It is not considered there is conflict with Core Policy 50 and BNG requirements.

9.5 Nutrient Neutrality

Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour SPA, Solent and Southampton Water SPA –

WCS policy CP50 (Biodiversity and Geodiversity) and the NPPF requires the Local Planning Authority to ensure protection of important habitats and species in relation to development and seeks enhancement for the benefit of biodiversity through the planning system. Whilst the application site is not adjacent to any rivers or in any respective flood zones, it is situated within the River Test catchment which drains into the Solent (Figure 3). This region is protected by a number of international designations including the Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA), Portsmouth Harbour

SPA, Solent and Southampton Water SPA; as well as the nationally designated Sites of Special Scientific Interest (SSSIs) that underpin these international designations.

The Solent water environment is one of the most important for wildlife in the United Kingdom. It is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations 2017 (as amended) as well as through national legislation for many parts of the coastline and adjacent maritime areas. Natural England has confirmed high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that this eutrophication is causing excessive growth of plants and algae which reduces oxygen and light levels and is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs mostly come either from agricultural sources or from wastewater from existing housing and other development.

Natural England currently advises that every permission for new dwellings in the River Test Catchment Area could result in increased nutrients entering the Solent area (Guidance dated June 2020). Nutrients are generated by the new people in the housing (nutrients enter the water environment via wastewater discharges), and from their activities and pets. Nutrients can move to designated sites by streams, rivers or through the groundwater.

Accordingly, the Local Planning Authority considers this proposal, in combination with other developments, is likely to lead to significant effects on the European Sites and this is considered within the Appropriate Assessment (AA).

Nitrogen burden –

In line with Natural England's Advice on Nutrient Neutrality¹ a calculation of the nitrogen burdens has been completed by the applicant for the proposal and approved by Wiltshire Council. This has confirmed that a nitrogen burden of 332.74 kg/N/yr will result and mitigation is required to ensure there are no adverse effects on the integrity of the Solent protected sites.

Mitigation scheme –

Natural England has advised that permanent land use change by converting agricultural land with higher nitrogen loading to alternative uses with lower nitrogen loading, such as for local communities and wildlife is one way of neutralising nutrient burdens from development.

A Council led strategic mitigation scheme is available to help development in Wiltshire achieve nitrogen neutrality. In 2021 the Council permanently removed an intensively managed (~120 hectare) dairy farm (a high nitrogen input use) on Council land located at Roundbarrow Farm near Pitton, east of Salisbury and will convert the land to a (low nitrogen input) nature reserve (Figure 3). The proposal for the long term management of the land is to restore the land to chalk grassland, lowland meadow with some areas of natural regeneration and woodland planting for ecological connectivity. This approach has been discussed with Natural England.

The farm is within the River Test catchment, near a tributary of the River Dunn which drains into the River Test (Figure 3). A hydrogeological assessment² has been undertaken of the farmland to assess its suitability as mitigation for development in Wiltshire.

Natural England's Nitrogen Neutrality advice includes evidence of nitrogen leaching rate for dairy farms within the Solent catchment at 36.2 kg/N/ha. Nature Reserves have a nitrogen leaching rate of 5 kg/N/yr. The applicant has agreed to use the Council led scheme to achieve nitrogen neutrality. Table 2 shows the area of mitigation land required for this proposal.

¹ New Nutrient Neutrality advice was released from Natural England in March 2022. This is available here - [Phosphorus and nitrogen mitigation - Wiltshire Council](#)

² Nutrient neutrality – Hydrological Appraisal for a site at Pitton in Wiltshire, H2Ogeo, Jan 2022 (20210615P1)

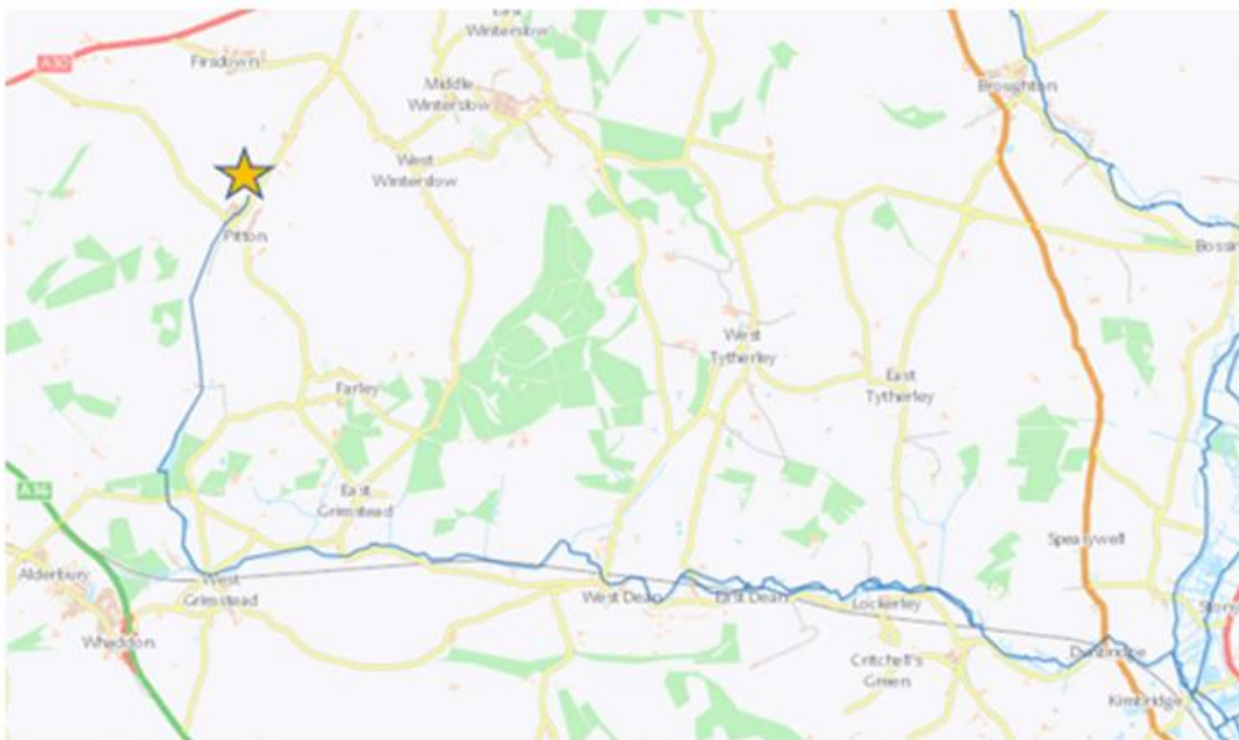
Nitrogen budget (kg/N/yr)	Area of mitigation land required (ha)
332.74	10.3

Table 2 – Mitigation area required

The mitigation site has capacity for both existing planned developments and anticipated local plan growth in the River Test catchment. Wiltshire Council will maintain up-to-date records and tracking of the developments that are using the scheme.

Financial contributions to the mitigation scheme will be secured to cover the level of mitigation needed to achieve neutrality. This is secured by Section 106 agreements at time of permission with contributions secured prior to commencement. Securing contributions in this way enables the Council as local planning authority to comply with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) (as amended) and Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (“WCS”).

It is considered that this approach delivers the required level of certainty to secure effective mitigation for the nitrogen burdens of this planning application. There will be no in combination effects with other developments, therefore conclude that there would be no adverse effect on the integrity of the above European sites as a result of the development.



9.6 Archaeology

The entirety of the proposed development site has been previously archaeologically evaluated. A portion of the site, the North-East corner (Figure 2), has been identified as archaeologically sensitive. The remains suggest that there may be settlement activity within this part of the site. It is therefore considered that a programme of archaeological works, in the form of an archaeological excavation (strip, map, sample and record), is carried out in advance of any construction activity within the area defined by the Northern edge of the site boundary and an East-West line drawn along the Northern end of trench 8 (T8), to include T9, T7, T6 and T5, as

shown on the submitted Archaeological Evaluation Report No: R12655. This is in line with the previous recommendations made by this department.

The County Archaeologist therefore recommends that a programme of archaeological investigation is carried out in order to excavate and record these remains which are considered to be of archaeological interest. This has been requested via appropriate conditions. This is in line with the National Planning Policy Framework.

The proposal is therefore considered to comply with CP58 of the WCS.

9.7 Impact upon neighbouring amenity

Air Quality is of significance in Wiltshire due to development pressures and prevailing concerns. The adopted Wiltshire Council Air Quality Strategy commits to “*securing air quality objectives in the eight Air Quality Management Areas (AQMA’s)*” and “*maintaining good air quality across the county*” and as such air quality needs to be protected across the county where development adds internal combustion engine vehicles using its road network. In view of this an Air Quality Assessment is required that demonstrates what the additive impact of the development site is likely to be within Ludgershall. This will be secured via a condition and s106 contribution.

The Public Protection Team has no significant concerns with the proposals subject to the above and also the following conditions to minimise disturbance to neighbouring residents during construction stages;

- No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.
- No burning of waste or other materials shall take place on the development site during the demolition/construction phase of the development.

9.8 Highway Impact

Core Policy 60 of the WCS states that the Council will use its planning and transport powers to help reduce the need to travel particularly by private car, and support and encourage the sustainable, safe and efficient movement of people and goods within and through Wiltshire. One of the stated ways of achieving this is by planning developments in suitable locations.

Paragraph 111 of the NPPF states 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.

The Inspector for the sites allocation policy document confirmed that with appropriate mitigation there was no clear evidence to suggest that the cumulative impact of these allocations along with other growth planned for the areas, would be severe in relation to highways, local services, facilities or biodiversity. This opinion is echoed by the Councils Highways Officer when assessing this application.

The Councils Sustainable Transport officers have reviewed the Transport Addendum, Infrastructure Statement, Draft S106 HoT’s, and various revised plans from March 2022, and provide highway comments as follows:

Traffic impacts –

A3026 / Astor Crescent Junction

The Transport Assessment Addendum dated 23rd March 2022 is thorough, detailed and helpful. A full review of the original traffic models / assumptions has been carried out and the modelling refined. Drummond Park has now been fully included in the assessments as a committed development.

Using a 2026 base, Table 2.1 demonstrates that the existing A3026 / Astor Crescent junction can accommodate the traffic impacts of the junction if there is some further optimisation of signal timings.

The Lin Sig model of the existing junction has been refined and reviewed. This refinement includes possible future reduction in inter-green times but still within the minimum inter-green times as in the Traffic Signs manual. This review confirms that the existing junction can operate within capacity in 2026 with the development, committed developments, and with adjustments to inter-green times.

Table 2.3 provides the junction capacity results after the introduction of full MOVA optimisation. The results show as expected that the introduction of MOVA improves the operation of the junction enabling shorter cycle times, reduced queue lengths, and improved user experience.

Second access to Simonds Road/Moyne Drive –

The Highways Officer considers that a second access to the site from Simonds Road to be important for accessibility, avoidance of an effective cul-de-sac serving over 500 dwellings, active travel reasons, and to comply with policy H1.1. However, Table 2.6 shows that the second access would, in fact, have negligible impact on the capacity of the A3026 / Simonds road junction. The operation of A3026 / Astor Crescent will be improved in any event as a consequence of the measures referred to above.

The Highways Officer still considers the second access to be necessary, but to assist its achievement is prepared to accept a late trigger as the capacity assessments have demonstrated that this is appropriate (Figures 4 & 5). As this land is outside the development boundary its provision and management will be secured via a Section 106 agreement³.

³ Prior to the occupation of the 180th dwelling on the site, an all-purpose connection (for use by vehicles, pedestrians and cyclists) shall be created and thereafter retained for its intended use, in accordance with details submitted to and approved in writing by Wiltshire Council.

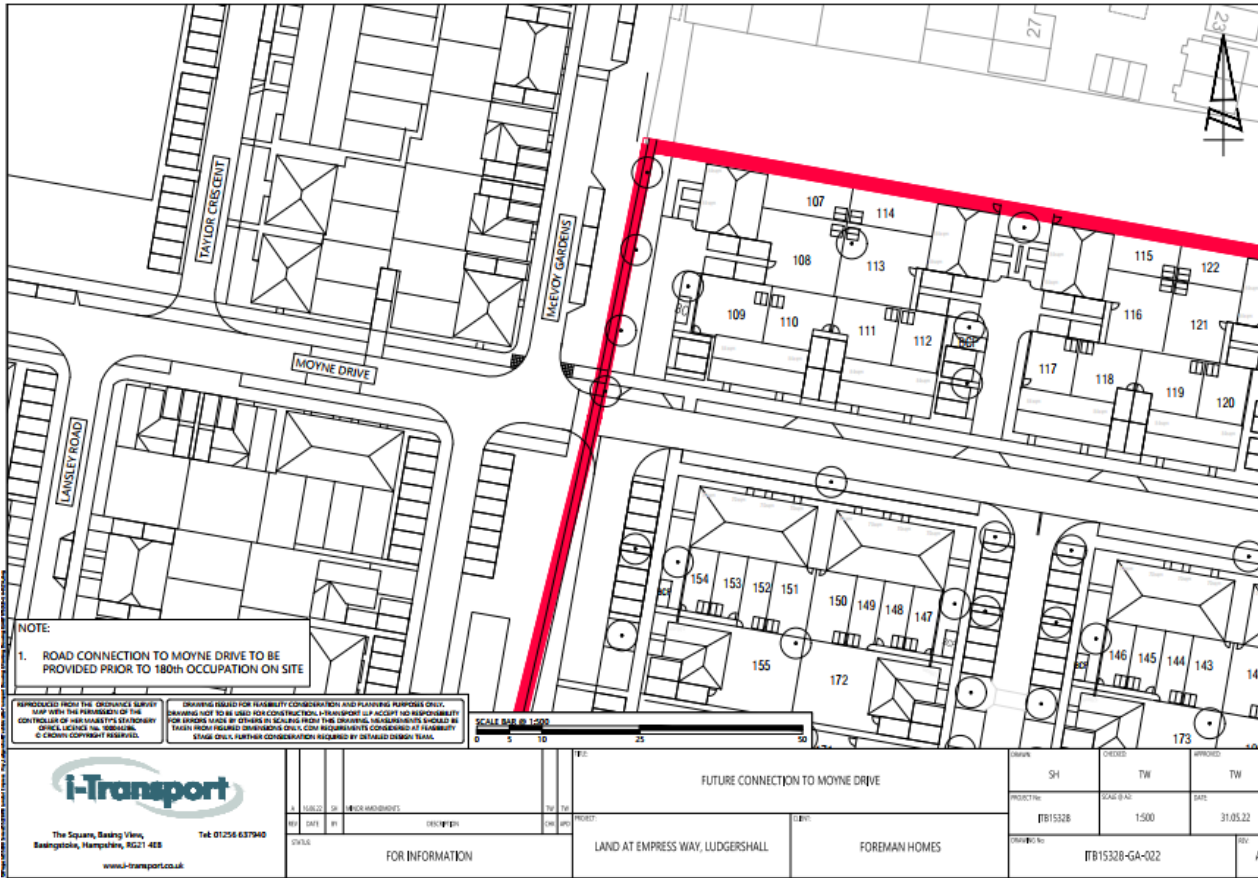


Figure 4 & 3 - 2nd Access

War Memorial Junction –

The previous assessments in the TA have shown that the development will have some impact on the forecast capacity issues at this junction. The significant issues are in the evening peak hour and on the A342 Andover Road approach where queuing will eventually be lengthy. Other Ludgershall developments have contributed to a potential signalisation scheme to address the capacity constraint, and it is equitable that this development makes a proportionate time limited contribution.

Recommended obligations –

- The introduction of MOVA signal optimisation and improved inter-green and cycle times at the A3026 / Astor Crescent traffic signalled junction prior to occupation of the 100th dwelling.
- A financial contribution proportionate to the Empress Way Phase 1 development 13/0234 (£52,145 /109 x 190) of £90,820 time limited and index linked, for the alleviation of congestion within Ludgershall.
- The putting forward of the Empress Way extension for adoption as public highway by means of a Highways Act 1980 Section 38 Agreement.
- 2nd access via Simonds Road. Prior to the occupation of the 180th dwelling on the site, an all-purpose connection (for use by vehicles, pedestrians and cyclists) shall be created and thereafter retained for its intended use, in accordance with details submitted to and approved in writing by WC.

Public Right of Way (PRoW) –

A public footpath LUDG2 runs through part of the development. The rights of way users must be safeguarded: the current route of the footpath must not be obstructed or a diversion order must be achieved to divert the footpath to an unobstructed route.

All the detailed highway matters regarding this application can be controlled by suitably worded conditions.

9.9 Other Matters

SECTION 106 –

WCS Core Policy 3 states that all new development will be required to provide necessary on-site and where appropriate off-site infrastructure requirements arising from the proposal.

The infrastructure items listed below are those that are relevant to the application site and are required in order to mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 57 of the National Planning Policy Framework 'The Framework'. These tests are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

The sites allocation plan also confirms that appropriate contributions would be likely to be sought to help fund an increase in capacity at local schools at the town in accordance with Core Policies of the Wiltshire Core Strategy.

The developer has agreed to the following Section 106 requirements:

Core Policy 43 of the Wiltshire Core Strategy, as currently amended by the National Planning Policy Framework, sets out a requirement for 30% on-site affordable housing provision: on all sites of 10 or more dwellings; or on sites of between 5 - 9 dwellings if the development site is 0.5ha or greater, within the 30% Affordable Housing Zone. There is therefore a requirement to provide 57 affordable units within a scheme of 190 dwellings. This would meet the policy requirement and would assist in addressing the need for affordable housing in Ludgershall where there demand for both affordable rented and shared ownership housing.

To meet need, the affordable housing units should be provided with a tenure mix of 60% of the units (34 units) being for Affordable Rented housing, and 40% of the units (23 units) being provided for shared ownership.

Core Policy 45 of the Wiltshire Core Strategy states that housing size and type will be expected to reflect that of the demonstrable need for the community within which a site is located. There is currently a need for all sizes of affordable accommodation in Ludgershall. 30% of all dwellings on-site (57) shall be affordable housing to be provided at Nil Subsidy.

- i. 60% of all affordable homes on-site (34) shall be provided as affordable rent tenure.
- ii. 40% of all dwellings on-site (23) shall be provided as shared ownership tenure.
- iii. Tenure to be as defined in the planning obligation, or otherwise agreed in writing.

Housing Mix: An indicative mix which would reflect current need would be:

Affordable Rented (34 units):

10 x 1 bed / 2 person flat
2 x 2 bed / 3 person flat
15x 2 bed / 4 person house;
6 x 3 bed / min 5 person house;
1 x 4 bed / min 6 person house.

Shared Ownership (23):

15 x 2 bed / 4 person house;
8 x 3 bed / min 5 person house

- iv. Location of the affordable homes to be as defined on the Affordable Housing Plan, or otherwise agreed in writing.
- v. To enter into contracts to transfer the affordable housing to Registered Provider(s) in accordance with timetable to be agreed.
- vi. Mortgagee exclusion of liability clause.
- vii. Nomination rights.

The affordable dwellings will be required to be transferred to a Registered Provider, approved by the Council, or to the Council on a nil subsidy basis.

The Local Authority would have nomination rights to the affordable dwellings, secured through a S106 Agreement.

The proposed units have been considered acceptable by the Councils Housing Officer.

Education –

The NPPF (paragraph 95) encourages Local Authorities to ensure that sufficient choice of school places is available to meet the needs to existing and new communities. The Inspector when

assessing the site for the site allocations policy document confirmed that a new primary school was no longer necessary and the additional school places could be achieved in other ways via appropriate contributions being made in line with WCS policies.

- Primary School Land

Means a freehold interest in 1.8 hectares of the Land (or such lesser area up to 1.8 hectares as required by the Council) in the location shown on the drawing Nos. 19.096.02 and ACLA/BLG 01 to be transferred to the Council free from encumbrances, if the Council serves a Primary School Land Notice.

- Primary School Land Notice

Means a notice to be served by the Council on the Owner no later than 25 (twenty-five) years from the date of the Planning Permission stating that the Council requires the transfer to it of the Primary School Land

- Early Years

To pay the Council the Early Years Contribution of £385,484 (subject to indexation⁴) 50% prior to the commencement of construction and the remaining on 50% occupation.

Waste –

A contribution of £91 per dwelling would be required to provide the new dwellings with adequate waste and recycling bins. This is in conformity with the Wiltshire Council Waste Collection Guidance for New Development. The total sum for the 190 dwellings would therefore result in £17,290.00.

Air Quality –

CP 55 seeks positive contributions to the aims of the Air Quality Strategy in Wiltshire and a submitted report identifies that the proposal would have a slight impact upon the air quality at local receptors and as such a financial contributions towards Air Quality Action Planning projects is required which would result in a total contribution of £10,000.00.

Leisure and Play –

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 98 of the NPPF. The Leisure and Recreation DPD requires developers to provide public open space.

The requirement for this development has been calculated using the latest Sport England Guidance and is as follows:

- To pay the Council the Sports Contribution of £77,976 prior to the commencement of construction.
- To provide a Play Area (LEAP) of at least 1,008.80sqm in line with programme for Development
 - i. The LEAP is identified on Drawing No.ACLA/BLG 109A
 - ii. To provide the LEAP in accordance with the specification on Drawing No.ACLA/BLG 109A to be appended to Agreement prior to the 100th house Occupation
 - iii. Management company provisions

⁴ BCIS all in tender price

- Covenant to not use the LEAP (or any relevant part) or allow or suffer it (or any relevant part) to be used at any time other than LEAP

Public Art –

CP57 requires developments to integrate art and design into the public realm. CP3 promotes art as a type of place shaping infrastructure. Both the PPG and the NPPF state that public art can play an important role in making interesting and exciting places that people can enjoy using whilst it is also listed within the Planning Obligations SPD:

- A sum of £300 per residential unit to be used for the purpose of preparing and implementing the Public Art scheme on the Land.
- To not occupy any residential units until the Public Art Scheme has been approved in writing by the Council.

Highways & Public Right of Way –

CP63 ensures that packages of transport measures will be identified to help facilitate sustainable development growth through improved network routes, enhanced public transport, traffic management measures, road improvements, which will be supported and implemented through developer contributions. The contributions considered necessary for this development are as follows:

- To pay the Council the Transport Contribution of £90,820 time limited and index linked, for the alleviation of congestion within Ludgershall, prior to the commencement of construction.
- The introduction of MOVA signal optimisation and improved intergreen and cycle times at the A3026 / Astor Crescent traffic signalled junction prior to occupation of the 100th dwelling.
- The putting forward of the Empress Way extension for adoption as public highway by means of a Highways Act 1980 Section 38 Agreement.
- 2nd access via Simonds Road. Prior to the occupation of the 180th dwelling on the site, an all-purpose connection (for use by vehicles, pedestrians and cyclists) shall be created and thereafter retained for its intended use, in accordance with details submitted to and approved in writing by WC.

Biodiversity –

The proposed enhancements will only be successful if they are supported by effective long-term management. This is especially important for the success of the proposed off site mitigation.

This will form the basis of a detailed management plan for this part of the site, and part of the wider Landscape and Ecological Management Plan that would be updated for any condition discharge application.

Management would be required to continue in line with the requirements of the biodiversity net gain good practice guidance and the requirements of the legislation relating to biodiversity net gain as set out in *The Environment Act 2021*. The Environmental Act received Royal Assent in November 2021, meaning that the expectation for all planning permissions to include a biodiversity net gain of at least 10% will become a legal requirement.

The Environmental Act 2021 includes provision for biodiversity net gain to be applied to every planning permission. Schedule 14 of the draft Environment Bill sets out amendments to the Town and Country Planning Act 1990 for the inclusion of biodiversity net gain as follows:

“Biodiversity gain objective

(1) The biodiversity gain objective is met in relation to development for which planning permission is granted if the biodiversity value attributable to the development exceeds the pre-development biodiversity value of the onsite habitat by at least the relevant percentage.

(2) The biodiversity value attributable to the development is the total of—

(a) the post-development biodiversity value of the onsite habitat,

(b) the biodiversity value, in relation to the development, of any registered offsite biodiversity gain allocated to the development, and

(c) the biodiversity value of any biodiversity credits purchased for the development.

(3) The relevant percentage is 10%.”

The implementation and success of these interventions would be monitored annually, with a review every five years.

The Owner covenants with the Council in the draft s106 to:

- i. To compensate for loss of habitat for the ground nesting birds of conservation importance, lapwing and skylark, a specific off-site area of land, located approximately 540 metres to the south of the proposed development and approximately 13.8ha in size, will be used to create suitable breeding habitat for both species.
- ii. The land is shown on Appendix X of the submitted Ecological Appraisal and Phase 2 Surveys prepared by (Lyndsay Carrington Ecological Services (March 2022) and managed according to a ‘Ground nesting birds lapwing and skylark mitigation strategy’ based on the management recommended in Section 5.7.2 of the same report.

Nutrient Neutrality –

Financial contributions to the mitigation scheme will be secured to cover the level of mitigation needed to achieve neutrality. This is secured by Section 106 agreements at time of permission with contributions secured prior to commencement. Securing contributions in this way enables the Council as local planning authority to comply with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (“the Habitats Regulations”) (as amended) and Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (“WCS”).

It is considered that this approach delivers the required level of certainty to secure effective mitigation for the nitrogen burdens of this planning application. There will be no in combination effects with other developments, therefore conclude that there would be no adverse effect on the integrity of the above European sites as a result of the development.

The Owner covenants with the Council in the draft s106:

- To pay a Nitrate Neutrality Contribution of £831,850⁵ prior to the commencement of construction.

10. Conclusion (The Planning Balance)

The site subject of this application is an allocated site known as H1.1 in the Wiltshire site allocations policy document and this application is to determine whether the proposal complies with this policy alongside the relevant policies in the Core Strategy and NPPF.

The benefits of development include:

- the boost to the supply of land for housing; and
- the provision of affordable housing

⁵ £2500 kg/N at 332.74kg/N/year + plus legal and administration costs

both of which can be afforded substantial weight given the site is allocated in the Wiltshire site allocation plan via H1.1.

In addition, the proposals result in some economic benefits through construction and the additional spending of the new population supporting services and facilities in the locality and these can be afforded neutral weight.

It is considered that the proposal in principle would not cause a detrimental impact upon the neighbourhood amenity of existing or future occupiers subject to relevant conditions.

The potential harm arising from the proposals arise from effects on:

- **Character and Appearance -**
The Council's Landscape Officers have made no objections to the proposal and it is therefore considered that the proposal would not result in a detrimental impact upon the local area. It is accepted that approval of this application would change the character and appearance of the area as it is currently greenfield land which will be lost and replaced with dwellings and associated landscaping. However, the site is allocated for future housing and as such the identified impact upon the immediate area is considered not to warrant a reason to refuse the application. Any negative impacts can be mitigated as far as possible through conditions for sensitive design and landscape measures. This is considered to be harm that carries limited weight in the planning balance.
- **Drainage and Flooding -**
The Council's Drainage Team and Southern Water in their response have confirmed that the level of detail provided as part of this application proves that there is a deliverable scheme to enable the development to be viable without detrimentally impacting on flood risk and therefore support the application in principle. This is considered to be harm that carries limited weight in the planning balance.
- **Biodiversity -**
This is considered to be harm that carries limited weight in the planning balance, not least in view of the mitigation measures that are proposed.
- **Nutrient Neutrality -**
This is considered to be harm that carries neutral weight in the planning balance in view of the mitigation measures.
- **Archaeology -**
A programme of archaeological investigation is to be carried out in order to excavate and record those remains which are considered to be of archaeological interest. This has been requested via an appropriate condition. This is considered to be harm that carries moderate weight in the planning balance.
- **Neighbouring Amenity -**
The Council's Public Protection Officers have made no objection to the proposal subject to conditions and it is therefore considered that the proposal would not result in a detrimental impact upon amenity the local area.

This is considered to be harm that carries limited weight in the planning balance.
- **Highways -**
The highways officer has confirmed that there will still be some network detriment as set out in the Network Modelling section discussed above. All the detailed highway matters regarding this application can be controlled by suitably worded conditions and obligations.

This is considered to be harm that carries moderate weight in the planning balance.

OVERALL BALANCE

On balance, it is considered that the adverse impacts identified do not substantially and demonstrably outweigh the benefits that the development would provide. Therefore, in accordance with the provision of paras 11 and 12 of the framework permission is recommended.

RECOMMENDATION

That subject to the completion of a Section 106 covering the matters set out below and in this report, the Head of Development Management be given delegated authority to then grant planning permission, subject to the conditions listed below.

Planning Policy Framework. Draft Section 106 Heads of Terms legal agreement (July 2022) to secure the following:

- Air Quality monitoring - £10,000
- Waste & Recycling Facilities – £17,290
- Highways and Transport - £90,820
- 2nd Access
- Public Art - £57,000
- Sports -£77,976
- Early Years / Nursery education provision - £385,484
- Nutrient Neutrality - £831,850
- Affordable Housing Provisions:-
 - 60% of all affordable homes on-site (34) shall be provided as affordable rent tenure.
 - 40% of all dwellings on-site (23) shall be provided as shared ownership tenure.
 - Tenure to be as defined in the planning obligation, or otherwise agreed in writing.

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 listed in Procedures for maintaining good public relations including complaint management, public consultation and liaison schedule [INSERT name or number & date of schedule of plans]

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

3. No development shall commence until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the local planning authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Arrangements for liaison with the Council's Public Protection Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to

Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.

- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Construction traffic routing details

No burning of waste or other materials shall take place on the development site during the construction phase of the development.

REASON: In the interests of the amenities of surrounding occupiers during the construction of the development.

4. The development shall be carried out strictly in accordance with the approved Flood Risk Assessment and Drainage Strategy dated 3rd March 2022, Reference 15675-HYD-XX-XX-RP-D-5001.

Prior to commencement of development the following additional drainage information shall be submitted to the local planning authority for approval in writing –

- calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment to prevent pollution of the receiving groundwater. This can be undertaken based on the Simple Index Methodology outlined within the CIRIA SuDS Manual.
- revised hydraulic modelling calculations setting the MADD value to 0m³/ha in order to ensure that the on-site attenuation storage is not overestimated. If the applicant believes that a value of 20m³/ha is appropriate, quantitative justification should be provided to support this.
- evidence of the applicant's engagement with the Water Company for the adoption of Sustainable Drainage Features.
- plans showing finished floor levels (FFL) and threshold levels set to minimum FFLs at 150mm above adjacent infrastructure thoroughfare levels.

The development shall be carried out in strict accordance with the approved additional drainage information.

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

DRAINAGE INFORMATIVES:

1. Occupation of the development should be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development. The applicant should note that if the intention is to offer the roads for adoption, the LLFA does not provide for the approval of drainage suitable for adoption by the Highway Authority. Further approval should be ascertained from the Highway Authority. To find out more about the processes required to secure road adoption, contact the Highway Authority at HighwaysDevelopment@wiltshire.gov.uk

2. The applicant should note that new Sewerage Sector Guidance (published 1st April 2020) enables Water Companies to adopt SuDS features as part of the surface water drainage network.
 3. If the intention is to offer the drainage scheme up for adoption the applicant will need to consult with Southern Water, prior to the submission of any drainage scheme details to the local planning authority, to ensure compliance under the new adoption codes and to formally commence the adoption process.
 4. Applicants should contact Southern Water for further information/ discussion. The Lead Local Flood Authority will support any applications brought forward through the Southern Water adoption process.
 5. There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.
 6. 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.
 7. Wiltshire Council's land drainage bylaws can be downloaded [here](#). The land drainage consent application form and guidance notes can be found on our website [here](#).
 8. There are private soakaways proposed in the boundaries of properties. Homeowners will need to be made aware of their maintenance responsibilities and this should be written into the deeds of the properties
 9. It is noted that if surface water drainage will be offered for adoption by Wiltshire Council and the Water Company; the applicant will need to apply for adoption of these assets separately to this planning application.
 10. The application states that foul drainage will discharge to a public sewer. This requires consultation with the sewerage undertaker for the area.
5. No development shall commence on site until details of the works for the disposal of sewerage including the point of connection to the existing public sewer and any improvements required to off-site sewerage treatment works (and any related programme for delivery) have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans and related programme.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure that the proposal is provided with a satisfactory means of drainage and does not increase the risk of flooding or pose a risk to public health or the environment.

6. No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:-
- location and current canopy spread of all existing trees and hedgerows on the land;
 - full details of any to be retained, together with measures for their protection in the course of development;
 - a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
 - finished levels and contours;
 - means of enclosure;

- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc.);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc.);

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

7. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building(s) or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

8. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan will align with recommendations in Section 5 and Appendix IX of the submitted Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022) and 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) Pre-construction/construction working method statements for protected/priority species, such as nesting birds, amphibians, reptiles and bats.
- 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.

9. Prior to the start of construction, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will align with recommendations in Sections 5.3, 5.8 and 5.9 and Appendices XII and IX of the submitted

Ecological Appraisal and Phase 2 Surveys. Land Off Empress Way, Ludgershall, Wiltshire (Lyndsay Carrington Ecological Services, March 2022). It will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

10. Prior to construction commencing details of existing and proposed new lighting shall be submitted to and approved by the Local Planning Authority in writing. The submitted details must demonstrate that a level of 0.5Lux or less can be achieved at the edges of sensitive habitat features as defined in Section 4.2.2 and displayed on Appendix VII of the Ecological Appraisal and Phase 2 Surveys prepared by (Lyndsay Carrington Ecological Services (March 2022) including, but not exclusively; H2 along the northern boundary, H1 along the south western boundary, retained woodland shelter belts and new planting at the eastern and southern boundaries.

REASON: To avoid illumination of habitat used by bats.

11. Prior to the commencement of development, a Plan shall be submitted to and approved in writing by the Local Planning Authority of: integral bat roosting and integral swift bricks within buildings. The agreed Plan shall show the specification of the swift bricks and bat roosting features to be provided on a minimum of 20% of the new dwellings (approximately 38) and where they will be located, together with a timetable for implementation.

Reason: to maintain and enhance biodiversity in accordance with Wiltshire CP50, NPPF, and BS 42020:2013.

12. Following completion of the dwellings and prior to their first occupation, a report from an appropriately qualified ecologist confirming that all integral bat roosting and integral swift brick features have been installed as per previously agreed specifications and locations together with photographic evidence shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To demonstrate compliance with Wiltshire CP50, NPPF and BS 42020:2013.

13. No development shall commence within the red line boundary of application 20/06554/FUL 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. This is in accordance with Paragraph 205 of the NPPF, which states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance

and the impact, and to make this evidence (and any archive generated) publicly accessible’.

The programme of archaeological work should provide for the investigation in advance of the commencement of development of an area in the north-east of the application area where exploratory geophysical survey and archaeological investigation identified evidence for Roman settlement. This should be followed by a programme of assessment, analysis, reporting, publication, and archiving commensurate with the significance of the results to achieve the public benefit of the exercise.

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

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether it is likely that contamination may be present on the site.

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

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

REASON: To ensure that land contamination can be dealt with adequately prior to the use of the site hereby approved by the Local Planning Authority.

15. Prior to the commencement of development the applicant shall undertake an Air Quality Assessment (AQA) or Screening Assessment, to be approved in writing by the Local Planning Authority prior to commencement of construction. This must quantify the effect of the development on existing local authority air quality monitoring locations and sensitive receptors as well as the proposed development. It must also identify and make adjustments for all core strategy based development in the developments locality. Use of CURED data in the AQA is expected along with any other currently accepted approaches to AQA. Any recommended measures to effectively mitigate emissions shall be implemented in accordance with the AQA.

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

16. No development shall commence on site until a scheme of Ultra Low Energy Vehicle infrastructure has been submitted to the LPA. The scheme must be approved by the LPA prior to implementation and thereafter be permanently retained.

REASON: Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity, in accordance with Core Policy 55 of the Wiltshire Core Strategy.

17. Within 6 months of first occupation of the development hereby approved a full travel plan shall be submitted based on the framework travel plan. The full travel plan when approved shall be implemented including the appointment of a travel plan co-ordinator for three years from the date of first appointment.

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

18. Prior to first occupation of any dwelling hereby permitted the access from the development to the extension of Empress Way shall be provided with visibility with nothing to exceed the height of 600mm above carriageway level between the carriageway edge, and a line drawn from a point 2.4 metres back along the centre line of the access from the carriageway edge, to a point on the nearside carriageway edge 90 metres to the west. The visibility so provided shall thereafter be maintained.

REASON: In the interests of safe and convenient access.

19. Prior to first occupation of any dwelling hereby permitted the extension of Empress Way including its verges and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been provided to base course level and lit by street lighting.

REASON: In the interests of safe and convenient access.

20. Prior to first occupation of the 160th dwelling hereby permitted the extension of Empress Way including its carriageway and footways as detailed on plan number ITB15328-GA-005/F, to provide access to the development, shall have been surfaced in tarmacadam wearing course.

REASON: In the interests of ensuring that the access road is properly completed.

HIGHWAYS INFORMATIVES:

Public footpath LUDG2 runs through part of the development. The rights of way users must be safeguarded: the current route of the footpath must not be obstructed, except where temporary closures or diversions are required to construct the second point of access, or a diversion order must be achieved to divert the footpath to an unobstructed route. The legal line of the PROW route must be kept open at all times, except where temporary closures or diversions are required to construct the second point of access. The definitive (legal) width of the route is 1m but a corridor of at least 2m must be kept open at all times, except in the above circumstance.

21. The development hereby approved shall be designed to ensure it does not exceed 110 litres per person per day water consumption levels (which includes external water usage). Within 3 months of each phase being completed and the development brought into use, a post construction stage certificate certifying that this standard has been achieved shall be submitted to the local planning authority for its written approval.

REASON: To ensure that the development will be nutrient neutral.

Background Documents Used in the Preparation of this Report:

Application Submissions

Wiltshire Core Strategy

NPPF 2021

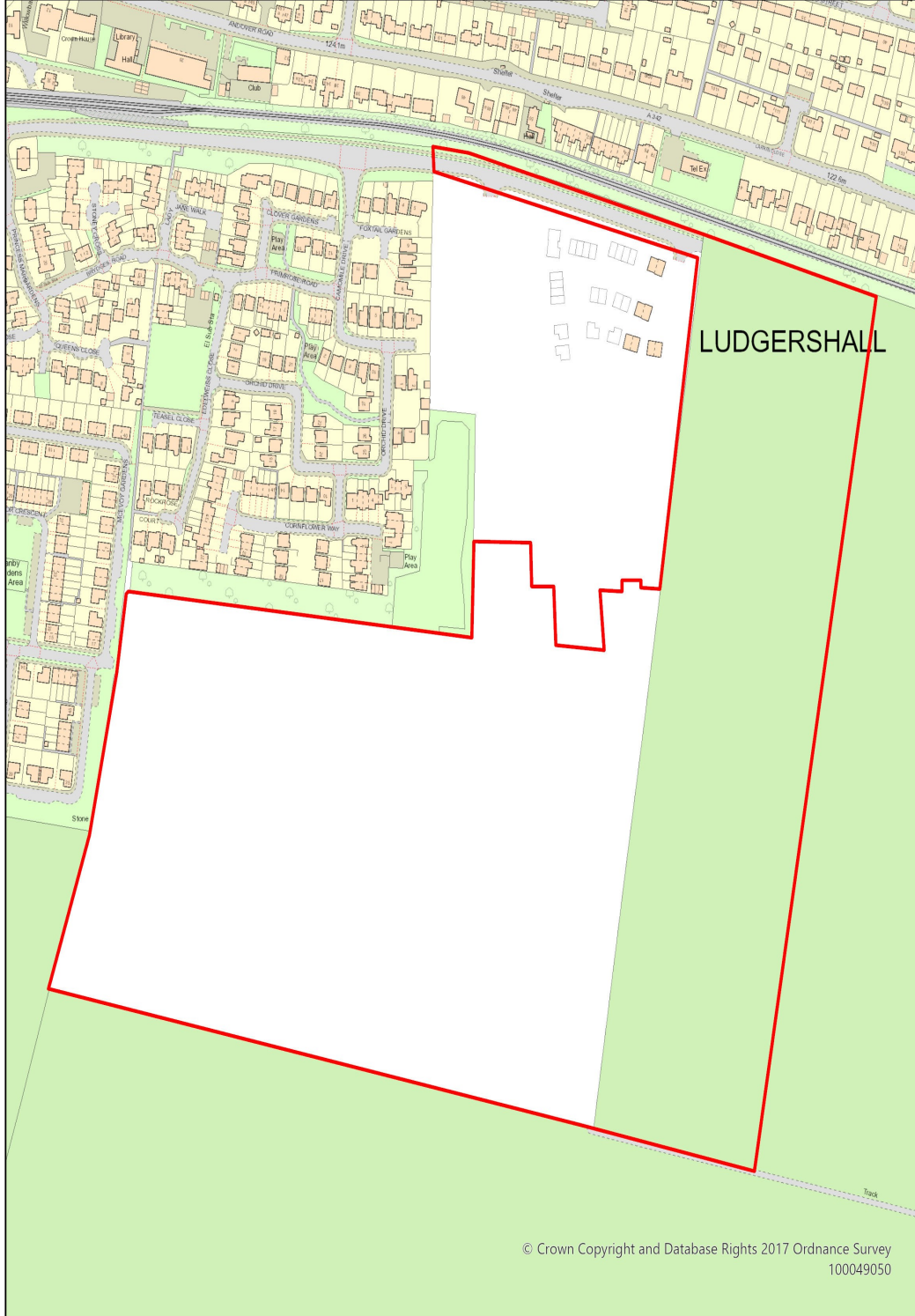
HLS Statement 2019

Draft S106 Agreement HoTs

Wiltshire Council

20/06554/FUL

Land At Empress Way
Ludgershall
Wiltshire



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