

# AGENDA

---

**Meeting:** Strategic Planning Committee

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

**Date:** Wednesday 10 July 2024

**Time:** 10.30 am

---

Please direct any enquiries on this Agenda to Tara Hunt of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email [tara.hunt@wiltshire.gov.uk](mailto:tara.hunt@wiltshire.gov.uk)

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

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

---

## Membership

Cllr Howard Greenman (Chairman)

Cllr Christopher Newbury (Vice-Chairman)

Cllr Ernie Clark

Cllr Adrian Foster

Cllr Sarah Gibson

Cllr Carole King

Cllr Pip Ridout

Cllr Jonathon Seed

Cllr James Sheppard

Cllr Elizabeth Threlfall

Cllr Robert Yuill

---

## Substitutes:

Cllr Helen Belcher OBE

Cllr Richard Britton

Cllr Steve Bucknell

Cllr Clare Cape

Cllr Ruth Hopkinson

Cllr George Jeans

Cllr Dr Nick Murry

Cllr Andrew Oliver

Cllr Stewart Palmen

Cllr Nic Puntis

Cllr Bridget Wayman

Cllr Stuart Wheeler

Cllr Graham Wright

Cllr Tamara Reay

---

## **Recording and Broadcasting Information**

Wiltshire Council may record this meeting for live and/or subsequent broadcast. At the start of the meeting, the Chairman will confirm if all or part of the meeting is being recorded. The images and sound recordings may also be used for training purposes within the Council.

By submitting a statement or question for a meeting you are consenting that you may be recorded presenting this and that in any case your name will be made available on the public record. The meeting may also be recorded by the press or members of the public.

Any person or organisation choosing to film, record or broadcast any meeting of the Council, its Cabinet or committees is responsible for any claims or other liability resulting from them so doing and by choosing to film, record or broadcast proceedings they accept that they are required to indemnify the Council, its members and officers in relation to any such claims or liabilities.

Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request. Our privacy policy can be found [here](#).

## **Parking**

To find car parks by area follow [this link](#). The three Wiltshire Council Hubs where most meetings will be held are as follows:

**County Hall, Trowbridge**  
**Bourne Hill, Salisbury**  
**Monkton Park, Chippenham**

County Hall and Monkton Park have some limited visitor parking. Please note for meetings at County Hall you will need to log your car's registration details upon your arrival in reception using the tablet provided. If you may be attending a meeting for more than 2 hours, please provide your registration details to the Democratic Services Officer, who will arrange for your stay to be extended.

## **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](#).

Our privacy policy is found [here](#).

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

# AGENDA

## Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 26*)

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

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

### **Statements**

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

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

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

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

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

## **Questions**

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular, questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions in writing to the officer named on the front of this agenda no later than 5pm on Wednesday 3 July 2024 in order to be guaranteed of a written response. In order to receive a verbal response questions must be submitted no later than 5pm on Friday 5 July 2024. Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent.

Details of any questions received will be circulated to Committee members prior to the meeting and made available at the meeting and on the Council's website.

### 6 **Planning Appeals and Updates** (*Pages 27 - 28*)

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

## **Planning Applications**

To consider and determine the following planning applications.

### 7 **PL/2022/08186 - The Stables, Mapperton Hill, Mere, Warminster, Wilts, BA12 6LH** (*Pages 29 - 52*)

Extension to existing Gypsy and Traveller site with 10 additional pitches, each pitch to consist of 1 Mobile Home, 1 Touring caravan and parking.

### 8 **PL/2023/03024 - East Farm, Codford St Mary, Wiltshire, BA12 0LN** (*Pages 53 - 112*)

Installation of a solar photovoltaic scheme together with landscaping and associated infrastructure

### 9 **Urgent Items**

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

## **Part II**

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

None

This page is intentionally left blank

## Strategic Planning Committee

---

### MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 4 JUNE 2024 AT COUNCIL CHAMBER - COUNTY HALL, BYTHESEA ROAD, TROWBRIDGE, BA14 8JN.

#### **Present:**

Cllr Howard Greenman (Chairman), Cllr Christopher Newbury (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Sarah Gibson, Cllr Carole King, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall and Cllr Richard Britton (Substitute)

#### **Also Present:**

Cllr Mike Sankey

---

#### 32 **Apologies**

Apologies were received from Cllrs Jonathon Seed and Robert Yuill.

Cllr Seed was substituted by Cllr Richard Britton.

#### 33 **Minutes of the Previous Meeting**

The minutes of the meeting held on 17 April 2024 were presented for consideration, and it was,

#### **Resolved:**

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

#### 34 **Declarations of Interest**

There were no declarations of interest.

#### 35 **Chairman's Announcements**

There were no Chairman's announcements.

#### 36 **Public Participation**

The procedure for public participation was noted.

#### 37 **Planning Appeals and Updates**

Kenny Green, Development Management Team Leader explained that there were no appeal decisions to report. However, there was one outstanding appeal

referenced that was subject to a hearing taking place simultaneously (hosted in Chippenham).

The cited appeal related to application PL/2022/05221, for a Gypsy/Traveller site at Clackhill Yard, Bradenstoke. The application had come to the [Strategic Planning Committee on 10 January 2024](#) and had been refused for a number of reasons including the sustainability of the location; site access along a narrow unlit highway with no pedestrian pavement, site isolation from the nearby settlement as well as obtrusive boundary treatment.

*Note: This update was given under Chairman's announcements instead of under Planning Appeals and Updates.*

38 **PL/2023/06976 - Land at Verbena Court, Melksham, SN12 7GG**

Public Participation

Anna Gillings (Agent) spoke in support of the application.

Gen Collins, Senior Planning Officer, introduced a report regarding an application for the construction of a 71-bed care home (within Class C2), parking, access, hard and soft landscaping and other associated works. The recommendation was that the Head of Development Management be authorised to grant planning permission, subject to the first completion of a planning obligation/Section 106 legal agreement covering the matters set out in the report, and subject to the planning conditions listed in the report.

Attention was drawn to some drafting errors in the report where on one occasion it referred to access off Snowberry Lane, which should have read access off Verbena Court and Cranesbill Road. Also, the report referred at one point to Westbury Market Town, which should have read Melksham.

The application had been called in by the local division Member, Cllr Mike Sankey, on the basis of the scale of the development and concerns regarding pressure on NHS services.

The application had been consulted on twice and 4 objections from local residents had been received. Both the local councils; Melksham Without Parish Council and Melksham Town Council had objected to the application for the reasons set out in the report.

The application site was described as being located to the West of the Eastern Way bypass on land adjoining the completed local centre comprising retail with flats above, and that the application site was previously identified for development as part of the urban extension of Melksham.

The committee were informed that most of the surrounding land forming part of the consented urban extension development, had been built out with the proposed access to the application site being through Verbena Court – which serves the local centre, housing and public house.



The case officer explained the extent of residential development within the wider area and the nearby Forest and Sandridge Primary School with buildings generally being 2 to 3 stories in height.

Slides were shown to the Committee detailing the site, its locality and the proposal. The Committee was advised that the application site was located outside the settlement boundary, but it forms a part of the urban extension with the site context being a material factor.

With the plan framework taken fully into account, policy requires that this application be assessed against evidential genuine need as required by Core Strategy policy CP46. Members were advised that with the emerging local plan and mindful of the site context, officers considered this site to very likely form part of a future re-drawn settlement boundary for Melksham.

The Committee was informed that the application submission was supported by a needs assessment and the essential details were set out in the committee report. Members heard that the Council's Adult Social Care team had been consulted and confirmed that there was a genuine need for this care home to address current shortfall and ensure market equilibrium in the coming years.

The Committee also heard that the proposed care home would offer a mix of residential nursing and specialist dementia care.

The proposed design of the building would be 3 stories and would have an articulated roofscape. Officers reported that the proposed scale, height and use of building materials would be in keeping with the other 3 storey buildings in the immediate area and would integrate into its surroundings. The proposal would also incorporate sustainable materials, solar panels, and a ground source heat pump.

The scheme would have its own car park with spaces for 24 cars and 10 cycle parking spaces, 1 of which would have an electric vehicle (EV) charging point. The Committee was informed that the amount of parking spaces would be adequate given the site's location and proximity to bus stops.

Land drainage conditions for the site and the immediate surroundings were explained, with planning conditions being considered necessary to secure the appropriate drainage safeguards.

In terms of landscaping, there would be a mix of outdoor seating, lawns and garden areas surrounding the care home, all designed with elderly people in mind, with biodiversity betterment being a positive outcome.

The application was recommended for approval as the principle of development was acceptable due to the genuine need demonstrated. There were no outstanding technical concerns and no technical consultees had objected to the application. The application would also provide Community Infrastructure Levy (CIL) and S106 money to fund additional local health care provisions.

In response to questions from Members, the case officer explained that the proposal would provide 1 EV parking space, however the infrastructure would be laid for EV points for all the parking spaces. In terms of parking numbers, the site fell slightly short of maximum numbers but due to the highly sustainable location Highways officers had felt it was sufficient. It was also confirmed that the stated developer contribution for enhanced health care had been calculated using a matrix by the NHS.

In terms of genuine need for the facility, it was explained that the two other care homes in the area, one that had recently been allowed at appeal, and the other recently endorsed by Committee still awaited the completion of a s106, and there were expected delays with its completion on land title matters and securing the necessary signatories for any such agreement – which consequently meant that at the present time, the genuine need remains.

Wiltshire Council Adult Social Care also confirmed that there was a genuine need, and maintain that even if all three proposed care homes are built out there would only be 30 extra beds provided above market equilibrium, around 2027 and beyond which the evidence indicated demand for beds would increase.

Regarding the principle of development, it was agreed that the site was technically outside the settlement boundary, however the site and the immediate area functions as part of the urban built form; and in reality, it does not appear as open countryside.

The case officer explained the site history including the modifications made to the S106 which was detailed in the report.

In relation to the flood risks, the officer explained that the northern corner of the site had been subject to some surface water flooding. However, the committee heard that the modelling for this was done a long time ago and prior to the local centre being built out. The drainage team had assured officers that this was historic, and with the requisite mitigation work undertaken as part of the completed development, the application could be supported subject to planning conditions.

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

The unitary division member, Cllr Mike Sankey then spoke in objection to the application.

The Chairman proposed the officer recommendation, and this was seconded by Cllr Pip Ridout. A debate followed where many Members stated that they had sympathy with the local residents and parish councils. However, Members could not find a valid planning reason for refusal and so would reluctantly support the application.

It was,

**Resolved:**

**That the Head of Development Management be authorised to grant planning permission, subject to the first completion of a planning obligation/Section 106 legal agreement covering the matters set out in this report, and subject to the planning conditions listed below.**

**Conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

**Site Location Plan ref: 2782-HIA-01-ZZ-DR-A-0100 rev. P3**

**Proposed Ground Floor Plan ref: 2782-HIA-01-00-DR-A-0201 rev. P3**

**Proposed First Floor Plan ref: 2782-HIA-01-01-DR-A-0211 rev. P3**

**Proposed Second Floor Plan ref: 2782-HIA-01-02-DR-A-0221 rev. P3**

**Proposed Refuse and Cycle Enclosure Elevations and Plan ref: 2782-HIA-01-00-DR-A-9010 rev.-P2**

**Transport Statement ref: PC5019-RHD-ZZ-XX- RP-R-0001**

**Travel Plan ref: PC5019-RHD-ZZ-XX- RP-R-0002**

**Noise Assessment H3917 – NV - v2**

**Ground Condition Assessment ref. 5017068-RDG-XX-ST-DOC-C-00-GCA01-B**

**All received by the Council 31 August 2023**

**Proposed Southwest and South East Elevations ref. 2782-HIA-01-00-DR-A-0301 rev. P4.**

**Proposed Northwest and North East Elevations ref. 2782-HIA-01-00-DR-A-0302 rev. P3.**

**Proposed Roof Plan ref. 2782-HIA-01-ZZ-DR-A-2701 rev. P3.**

**Proposed Site Plan ref. 2782-HIA-01-XX-DR-A-0101 rev. P9.**

**Proposed Wider Site Plan ref. 2782 HIA 01 XX DR A 0104 rev. P1.**

**Landscape Proposals ref. 101B.**

**Sustainable Energy Strategy**

**Ecological Impact Assessment. The Landscape Partnership. September 2023.**

**Biodiversity Net Gain Report. The Landscape Partnership. August 2023.**

**Biodiversity Metric 4.0 – Calculation Tool**

**Landscape Proposals. Drawing no: 101B A. The Landscape Partnership. June December 2023  
Tree Survey and Arboricultural Impact Assessment. The Landscape Partnership.  
June July 2023**

**All received 22 December 2023**

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

- 3 No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:**
- i. An introduction consisting of a 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 noise and dust mitigation.**
  - viii. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network including a construction lighting plan and details.**
  - ix. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.**
  - x. Details of how surface water quantity and quality will be managed throughout construction.**
  - xi. Details of the safeguarding measures to deal with the following pollution risks:**
    - the use of plant and machinery**
    - wheel washing and vehicle wash-down and disposal of resultant dirty water**
    - oils/chemicals and materials**
    - the use and routing of heavy plant and vehicles**
    - the location and form of work and storage areas and compounds**
    - the control and removal of spoil and wastes**
  - xii. Details of safeguarding measures to highway safety to include:**
    - A Traffic Management Plan (including signage drawing(s))**
    - Routing Plan**

- Details of temporary/permanent Traffic Regulation Orders
- pre-condition photo survey - Highway dilapidation survey
- Number (daily/weekly) and size of delivery vehicles.
- Number of staff vehicle movements.

xiii. In addition, the Plan shall provide details of the ecological avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- Working method statements and mitigation strategies for protected/priority species, such as nesting birds, reptiles, bats and other small mammals.
- 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 in relation to species and/or habitats.
- Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

Development shall be carried out in strict accordance with the approved CEMP.

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

Construction hours shall be limited to 0730 to 1800 hrs Monday to Friday, 0730 to 1300 hrs Saturday and no working on Sundays or Bank Holidays.

The development shall subsequently be implemented in accordance with the approved details of the CEMP.

**REASON:** To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase and in compliance with Core Strategy Policy 62.

- 4 No development shall commence on site until a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP will include:
  - a) Long term objectives and targets in accordance with the Calculation of Biodiversity Net Gain using Defra Metric 4.0 report (The Landscape Partnership, August 2023).

- b) Management responsibilities and maintenance schedules for each ecological feature within the development as identified in the Ecological Impact Assessment (The Landscape Partnership, September 2023) and the Landscape Proposals (Drawing no: 101B).
  - c) The mechanism for monitoring success of the management prescriptions with reference to the appropriate Biodiversity Metric target Condition Assessment Sheet(s).
  - d) A procedure for review and necessary adaptive management in order to attain targets.
  - e) 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.

- 5 No development shall commence beyond ground floor slab level until details of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

- 6 No external lighting shall be installed until details of the proposed new lighting have been submitted to and agreed in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations agreed with the local planning authority, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

**REASON:** In the interests of conserving biodiversity, protecting residential amenity and highway safety

- 7** No development shall commence pursuant to the construction of the care home, including vegetation removal, until details of the number, design and locations of features for bats and birds in accordance with the Ecological Impact Assessment (The Landscape Partnership, September 2023) has been submitted to the local authority for approval and agreed in writing by the LPA. The approved details shall be implemented before occupation of the final works. These features will continue to be available for the target species for the lifetime of the development.

**REASON:** To provide enhancement for biodiversity.

- 8** No development shall commence above ground slab level 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.
- car park layouts.
- other vehicle and pedestrian access and circulation areas.
- all hard and soft surfacing materials.
- minor artefacts and structures (e.g. furniture, shaded resting areas, 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).

- 9** 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.

- 10** No development shall commence pursuant to the construction of the care home until the applicant has demonstrated that the finished floor levels above the maximum predicted 100-year flood level or if no flooding is predicted, at a sufficient height above the SW drainage cover levels.

**REASON:** To ensure that there is no risk to persons or properties during extreme events.

- 11** No development shall commence pursuant to the construction of the care home until a surface water drainage strategy has been submitted and agreed in writing with the LPA. The surface water drainage strategy shall include:

- i) if the proposed surface water drainage strategy is to discharge surface water into the ditch, details of hydraulic modelling into the ditch and culvert have been undertaken to demonstrate that they both have capacity to take existing flows and flows from the development. This modelling should inform any changes to flood extents around the ditch due to the development.
- ii) calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events. To demonstrate compliance, the applicant must provide pre and post development runoff rates for a range of return periods (1, 30 and 100 year), and pre and post development runoff volumes for the 100-year, 6-hour rainfall event. This takes account of national policy, as outlined in the SuDS Technical Standards.
- iii) overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 years plus climate change (40%) rainfall event.
- iv) evidence that urban creep been accounted for the hydraulic calculations in line with LASOO guidance.
- v) cross-section and long-section drawings through the proposed attenuation features.

The development shall be undertaken in accordance with the approved details and shall be implemented prior to first occupation of the development and shall remain as such for the lifetime of the development.



**REASON:** To ensure that there is no risk to persons or properties during extreme events and that the development can be adequately drained with no runoff on to the highway or increase flooding elsewhere. Wiltshire Council requires post development discharges to provide 20% betterment over predevelopment (greenfield) discharges for both peak flow and volume.

- 12** No development shall commence above ground slab level until final details of solar PV panels and air source heat pump(s) has been submitted to and approved in writing by the local planning authority. Details shall include, but not necessarily be limited to location, number, dimensions and manufacturer's details. The development shall be carried out in accordance with the approved details.

**REASON:** In order to define the terms of the permission and in order to support and encourage sustainable construction in accordance with policies CP41 and CP57 of the Wiltshire Core Strategy.

- 13** No development shall commence above ground slab level until a scheme for the provision of at least one electric vehicle charging point in an accessible parking area or bay shall be submitted to and improved in writing by the local planning authority. The electric vehicle charging point shall be installed and be ready for use prior to the first occupation of the approved development. The electric vehicle charging point shall thereafter be retained and shall always remain operational (other than when under-going reasonable maintenance).

**REASON:** In the interests of mitigating the impact of the development on the environment in accordance with Core Policy 60(vi).

- 14** No development shall commence above ground slab level until an Air Quality Assessment of the proposed development has been undertaken and details of the proposed extraction and ventilation equipment to be used in the scheme hereby approved has been submitted to and approved in writing by the LPA.

**REASON:** In the interests of the amenity of the future occupiers of the development

- 15** No development shall commence on site until scaled plans showing the visibility splays at the entrance to the proposed care home access have been submitted to the LPA and have been agreed in writing. These details shall show the visibility splays between the edge of the carriageway and a line extending from a point 2.4metres

back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 25 metres in both directions from the centre of the proposed care home access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 600mm above the level of the adjacent carriageway.

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

- 16 The development hereby permitted shall not be first brought into use, until the cycle parking facilities shown on the approved plans have been provided in full and made available for use. The cycle parking facilities shall be retained for use in accordance with the approved details at all times thereafter.

**REASON:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

- 17 No part of the development hereby permitted shall be first brought into use until the turning area & 24 parking spaces have been completed in accordance with the details shown on the approved plans. The areas shall always be maintained for those purposes thereafter.

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

- 18 The development hereby permitted shall not be first brought into use until those parts of the Travel Plan capable of being implemented prior to occupation have been implemented. Those parts identified for implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented if any part of the development is occupied. The Travel Plan Coordinator shall be appointed (within a month of occupation) and carry out the identified duties to implement the Residential Travel Plan for a period from first occupation until at least 2 years following occupation of the development.

**REASON:** In the interests of reducing the amount of private car movements to and from the development.

**INFORMATIVES:**

**Highway works**

The developer/applicant may be required to enter into a S278 Highways Legal Agreement with the Highway Authority before commencement of the highway/access works hereby approved.

Submissions should be made to [highwaysdevelopment@wiltshire.gov.uk](mailto:highwaysdevelopment@wiltshire.gov.uk) with an anticipated approval time of 6-12 weeks.

### **SW Drain**

It is noted that the proposed surface water management would discharge to a private surface water drain – the applicant would need to confirm this is within their ownership or provide evidence of the written permission from the respective landowner(s).

### **Nesting Birds**

All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August, but some species are known to breed outside these limits.

39 **PL/2024/02330 - B4069, Lyneham Banks, Lyneham, Chippenham, SN15 4AA**

Callan Powers, Senior Planning Officer, introduced a report which recommended that the application for the reinstatement of a stretch of approximately 140m of the B4069, known as the Lyneham Banks section, located 2km northwest of Lyneham, including associated engineering, land drainage works and demolition, be approved with conditions.

The officer explained that the road was a single carriageway road up a steep hill to Lyneham, that had been closed since February 2022 following a major landslip. Slides of the damage were shown to the Committee, which was quite extensive, and the road remains currently unusable.

The Committee was informed that the application site extends to approximately 4 hectares and includes land above and below the road. The land below the road was described as agricultural with the land above the road being occupied by an incomplete dwelling.

The Committee heard that there were no landscape or heritage concerns with the proposal.

As a result of the road closure, detours were in place, putting pressure on a single-track road which had to be made one way, and the Committee heard there were long diversions in place that have had significant effects on local residents.

Plans were shown of the proposed works, which included a herringbone drainage system and engineering works to redesign the slope. Site management plans covering the construction phase would require conditioning to ensure the works are completed in a timely manner.

The proposal would deliver substantial benefit and subject to planning conditions, officers were very supportive.

In response to technical questions from Members of the committee, the officer explained that the application was before the committee as it had met the threshold for a regulation 3 application (being a Wiltshire Council application which had received at least 1 objection from a member of the public). It was further confirmed that had it not received any objections, the application would likely have been made under delegated authority.

In relation to a query about compulsory purchase, Jack Francis, from the Councils highways project team, explained that there was an agreement in principle for the land to the north of the highway, and ongoing negotiations regarding land to the south. The Committee was informed of the statutory powers available to the Council, if required.

In relation to land drainage, the scheme would improve matters and there would not be additional flow as a result of the works, in fact the solution would provide a 20% betterment.

In response to questions regarding the cost of the scheme, Members were advised that this was not a planning consideration. However, Members could look back at reports which went to the [Cabinet meeting on 16 April 2024](#) for further details, including potential costs.

It was furthermore confirmed that the intention was that there would be no built form on the land to the north of the road and that the incomplete dwelling would be removed. In relation to the stability of the rest of the road, officers confirmed that it would continue to be monitored.

Members then queried how locals were managing without the road and whether it had been proved that it was better to reinstate the road. Officers responded by informing Committee that the temporary arrangements had been very difficult for the local community, and that the temporary arrangements were not considered suitable for the long-term.

In terms of alternatives, the highways team confirmed they had looked at a lot of options, including abandoning the route and looking elsewhere. The “do nothing” scenario was considered very unsatisfactory, and the Committee were reminded that Wiltshire Council as the Highways Authority has a duty to repair the road, but such powers would not extend to creating a new road and route (and that such a proposal was not before the Committee in any case).

The only option open for Committee consideration was to repair the existing route.

There were no public speakers. Cllr Elizabeth Threlfall read a statement for the unitary division Member for Lyneham, Cllr Allison Bucknell, who was unable to attend, due to her attendance at a concurrent planning appeal.

Cllr Bucknell's statement paid tribute to the officers for all their hard work to get things to this point. Within her statement Cllr Bucknell requested a minor amendment to condition 5 requesting an additional bullet point, for the following:

j) confirming the points of contact within the project team/on-site construction team (when known) to keep local residents, and the parish councils fully informed of the on-site progress.

Officers stated they were supportive of this minor amendment.

Cllr Threlfall then spoke as the unitary division Member for Brinkworth. Cllr Threlfall stated that there had been international interest in the engineering project, and that the project had received a large number of bidders for its construction, and was particularly pleased to read that the road would last for 60 years.

Cllr Threlfall described the issues that locals were having with increased traffic on local lanes and speeding. Cllr Threlfall echoed Cllr Bucknell's request to maintain communication with local residents and the respective parishes.

Cllr Threlfall then proposed the officer recommendation, with Cllr Bucknell's amendment. This was seconded by Cllr Pip Ridout.

A debate followed where Members were supportive of the application and were looking forward to getting the situation resolved. It was highlighted that the finances for the project had been looked at by the Financial Planning Task Group and that the Environment Select Committee had undertaken scrutiny.

At the conclusion of the debate it was,

**Resolved:**

**To grant permission, subject to the following conditions:**

**1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

**Drawing No. LYN-ATK-GEN-XX-DR-LL-000001 Rev C02: Landscape Plan, dated 29/02/24 and received 29 February 2024;**

**Drawing No. LYN-ATK-GEN-XX-DR-CD-000001 Rev C01: Drainage Layout Plan 1, dated 15/12/23 and received 29 February 2024;**

**Drawing No. LYN-ATK-GEN-XX-DR-CD-000002 Rev C02: Drainage Layout Plan 1, dated 16/12/23 and received 29 February 2024;**

**Drawing No. LYN-ATK-GEN-XX-DR-CD-000003 Rev C01: Field Drainage Layout Plan, dated 15/12/23 and received 29 February 2024;**

Drawing No. LYN-ATK-GEN-XX-DR-LL-000004 Rev P01.1: Cross Section, received 23 April 2024;  
Drawing No. LYN-ATK-SRW-XX-DR-CB-000001 Rev C01: Retaining Wall General Arrangement, dated 14/12/23 and received 23 May 2024;  
Drawing No. LYN-ATK-GEN-XX-DR-CH-000006 Rev C01: Proposed Site Plan Sheet 1, dated 20/02/24 and received 29 February 2024;  
Drawing No. LYN-ATK-GEN-XX-DR-CH-000007 Rev C01: Proposed Site Plan Sheet 2, dated 20/02/24 and received 29 February 2024;  
Drawing No. LYN-ATK-HGN-XX-DR-CH-000013 Rev C01: Proposed Retaining Wall Profile, dated 20/02/24 and received 29 February 2024;  
Document No. LYN-ATK-EGN-XX-SP-CH-000001 Rev C01: Landscape Specification, dated 14/12/23 and received 23 April 2024;  
Document No. LYN-ATK-GEN-XX-RP-LW-000001 Rev 1.0: Flood Risk Assessment, dated 28/02/2024 and received 29 February 2024;  
Document No. LYN-ATK-GEN-XX-RP-LP-000002 Rev 1.0: Design and Access Statement, dated 29/02/2024 and received 29 February 2024;  
Document No. LYN-ATK-EGT-XX-RP-CE-000001 Rev 1.0: Geo-Environmental Assessment Report, dated 27/02/24 and received 29 February 2024;  
Document No. 5214576/GEO/RP/02 Rev 1.0: Ground Investigation Report, dated 02/06/23 and received 29 February 2024;  
Protected Species Report, dated 26/02/24 and received 29 February 2024;  
Preliminary Ecological Appraisal Rev 2.0, dated 28/02/2024 and received 29 February 2024; and  
Application Form, dated 29/02/2024 and received 29 February 2024.

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

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

3. No development shall commence, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The Plan shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the construction phase, including but not necessarily limited to, the following:

- a. Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing.
- b. Working method statements for protected/priority species, such as nesting birds

and reptiles.

c. Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.

d. Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

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

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.

4. No development shall take place until a Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP should 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 be implemented in full and for a minimum period of 5 years, to ensure establishment and development of suitable natural features within the site.

**REASON:** To ensure the successful establishment 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.

5. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement should include, at a minimum, details of:

a) the parking of vehicles of site operatives and visitors;

b) loading and unloading of plant and materials;

c) storage of plant and materials used in constructing the development;

d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, if needed and where appropriate;

e) wheel washing facilities;

f) measures to control the emission of dust and dirt during construction;

g) a scheme for recycling/disposing of waste resulting from demolition and construction works;

h) measures for the protection of the natural environment; and

i) hours of construction, including deliveries.

**j) how communications will be made with residents and Parish Councils, including contact details for reporting any issues.**

**The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.**

**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 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.**

**6. Development shall not proceed other than in accordance with the recommendations set out at Section 7.2 of the approved Geo-Environmental Assessment Report regarding management of contaminated land, including the provisions for the handling of materials contaminated with asbestos.**

**REASON: To manage risks associated with land contamination in the construction phase and thereafter.**

**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.**

**INFORMATIVES TO APPLICANT:**

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

**The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be**



sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

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

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

The applicant should note that the works hereby approved involve works on land where there is known or suspected asbestos contamination. Asbestos materials should only be removed by a licenced contractor, Asbestos waste is classified as 'special waste' and as such, can only be disposed of at a site licensed by the Environment Agency. Any contractor used must also be licensed to carry 'special waste'.

40 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am - 12.25 pm)

The Officer who has produced these minutes is Tara Hunt of Democratic Services, direct line 01225 718352 , e-mail [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

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

This page is intentionally left blank

**Wiltshire Council  
Strategic Planning Committee  
11<sup>th</sup> July 2024**

Planning Appeals Received between 21/05/2024 and 28/06/2024 relating to Decisions made at Strategic Committee

<b>Application No</b>	<b>Site Location</b>	<b>Parish</b>	<b>Proposal</b>	<b>DEL or COMM</b>	<b>Appeal Type</b>	<b>Officer Recommend</b>	<b>Appeal Start Date</b>	<b>Overturn at Cttee</b>
PL/2022/08155	Land to the West of Semington Road, Melksham, Wilts	Melksham Without	Outline planning permission for up to 53 dwellings including formation of access and associated works, with all other matters reserved	SPC	Inquiry	Refuse	24/05/2024	No

There are no Planning Appeals Decided between 21/05/2024 and 28/06/2024 relating to Decisions made at Strategic Committee.

This page is intentionally left blank

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	10 July 2024
<b>Application Number</b>	PL/2022/08186
<b>Site Address</b>	The Stables, Mapperton Hill, Mere, Warminster, Wilts, BA12 6LH
<b>Proposal</b>	Extension to existing Gypsy and Traveller site with 10 additional pitches, each pitch to consist of 1 Mobile Home, 1 Touring caravan and parking
<b>Applicant</b>	Mr M Doe
<b>Town/Parish Council</b>	MERE
<b>Electoral Division</b>	MERE – Cllr George Jeans
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Lynda King

### Reason for the application being considered by Committee

This application has been referred to the Committee on the recommendation of the Head of Development Management on the basis of the scale of the proposed development, its visual impact on the surrounding area, design, environmental or highway impact and making the decision in public to satisfy Core Policy 47.

#### 1. Purpose of Report

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

#### 2. Report Summary

This application has been the subject of a statutory public consultation period and has attracted representations of objection from approx. 120 individual members of the public, as well as from Mere Town Council, Zeals Parish Council and the CPRE South Wiltshire Group. Gillingham Town Council, in Dorset, had no comment on the application.

The Key Issues for consideration in respect of this proposal are:

- The Principle of the Development
- Impact on Highways
- Impact on character, appearance and visual amenity of the locality

### 3. Site Description

The application site, which is 1.9ha in extent, is approximately rectangular in shape and lies to the north and west of land in the applicant's ownership which is currently occupied by an existing 1 pitch traveller site. The fields appear to be used to keep horses. There are some existing temporary structures on part of the site which would be removed if the use currently applied for were to be implemented.

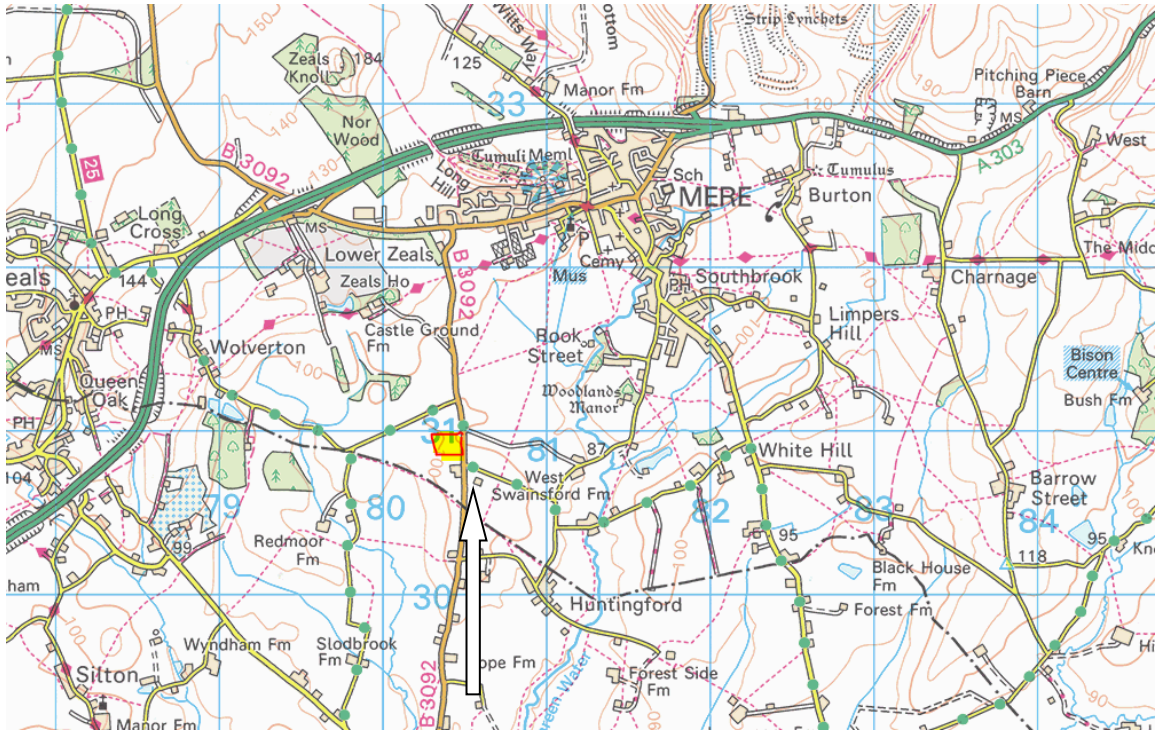
The site sits approximately 1.4 km to the south of the small historic town of Mere and approximately 1.8km south of the Cranborne Chase AONB. The distant Cranborne Chase escarpment can be seen from the northern boundary of the site. The site is accessed from the B3092 Gillingham to Mere road to the east of the application site, utilising the existing access to land in the applicant's ownership to the south. The site sits within the Blackmore Vale Special Landscape Area (SLA) which is a non-statutory saved local plan policy (C6) under the old Salisbury District Local Plan.

The surrounding landscape context of the site is rural farmland consisting of varying sizes of fields with strong hedgerow field boundaries interspersed with mature trees. Development in this area consists of isolated farmsteads and cottages surrounded by fields. The nearest house to the proposed development site is Mapperton Barn House, part of Mapperton Hill Farm. It is situated approximately 130m away from the proposed development across fields with intervening hedgerows and trees breaking up the view to this property, and at a higher level than the application site. The hedgerows in the surrounding fields are generally well maintained to a height of 1.5 – 3m and consist predominantly of hawthorn with some additional native species along with isolated mature oak and other mature native tree species.

The field boundaries of the site itself are relatively low and therefore the screening value of the hedging has been negated somewhat, especially along the eastern boundary adjacent to the B3092, where gaps in the hedging have not been replanted. There is a line of trees in the hedge on the north eastern boundary of the site adjacent to the B3092 which largely screens the site when viewed from travelling from Mere towards Gillingham. The site is relatively open at the moment in the immediate vicinity of the site, but is screened in the wider landscape by the land levels and the wider landscaping.

The land is generally flat, with a slight fall towards the south east. The site is within an area with no risk of flooding from groundwater or fluvial sources, with a small area with a possible risk of surface water flooding.

The site is marked approximately in red on the plan below:-



**Application site**

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

14/10556/FUL - Change of use of land to 1 No. Romani Gypsy pitch & associated works including 1 No. mobile home, 1 No. day room, 1 No. touring caravan, 1 No. septic tank, stables, hard standing, new access, and keeping of horses. A/C 15/07/2018

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

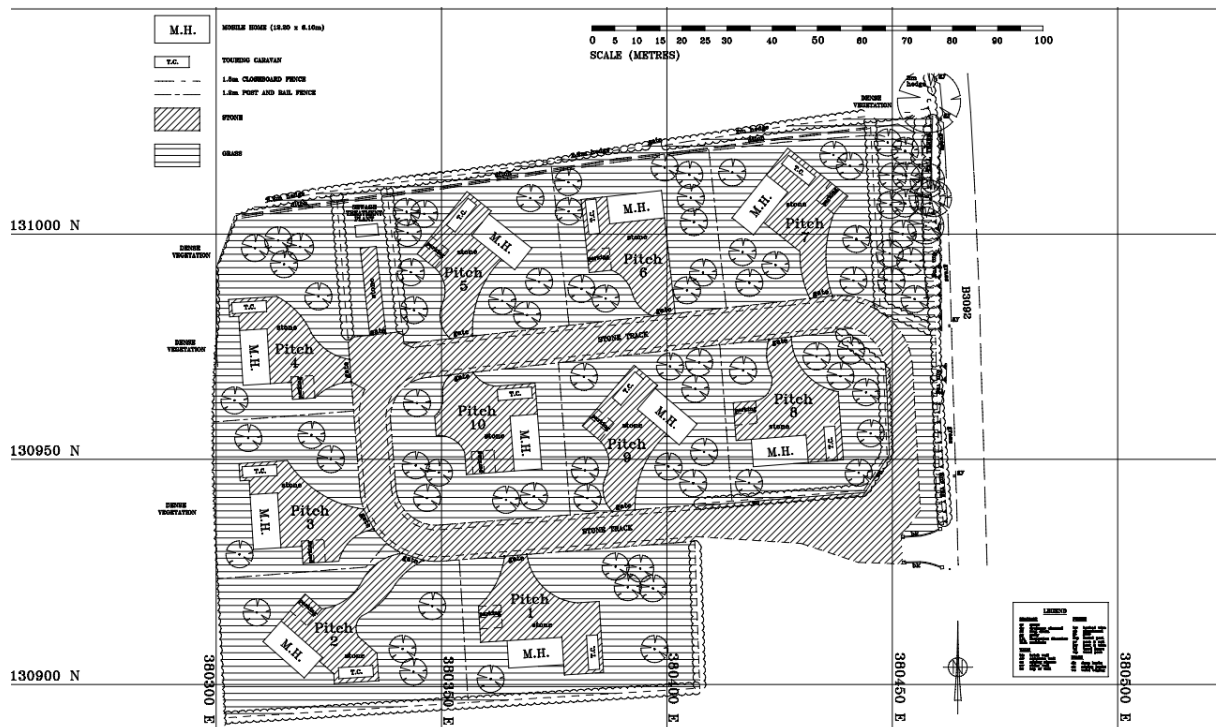
This application seeks full planning permission for the extension to the existing Gypsy and Traveller site with 10 additional pitches, each to consist of 1 Mobile home, 1 Touring caravan and parking. Additional hedging and trees would be planted to further enclose the pitches and to reinforce the existing planting. A package sewage treatment plant is proposed to deal with foul water, along with hardstandings around the pitches.

No permanent buildings are to be constructed.

The site is proposed to be occupied by Gypsies or Travellers who fulfil the definition of Gypsies and Travellers in Annex 1 of Planning Policy for Traveller Sites (as amended).

No details of the mobile homes and touring caravans proposed are provided as this is not necessary as any unit on the site will have to comply with the definitions of mobile homes set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. It is understood that the site is for the applicant's relatives' use.

The site layout plan is set out below:-



## 6. Local Planning Policy

Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise. The development plan in this case comprises the Wiltshire Core Strategy (2015) and saved policies from the Salisbury Local Plan (2003).

### Wiltshire Core Strategy-

- CP1 – Settlement Strategy
- CP2 – Delivery Strategy
- CP3 – Infrastructure Requirements
- CP17 – Spatial Strategy for the Mere Community Area
- CP47 – Meeting the needs of Gypsies and Travellers
- CP50 – Biodiversity and Geodiversity
- CP51 - Landscape
- CP57 – Ensuring high quality design and place shaping
- CP60- Sustainable Transport
- CP61 – Transport and Development
- CP62 - Development Impacts on the Transport Network

### Saved Policies from the Salisbury District Local Plan

C6 - Special Landscape Areas

### National Planning Policy context

NPPF - Paragraph 11 sets out the presumption in favour of sustainable development.



Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted. Where development is found to be wholly or partially inconsistent with the provisions of the Development Plan, then the decision maker must determine whether there are other material considerations that should influence the decision.

#### Planning policy for traveller sites (2023)

Paragraphs 22 and 23 reiterate the fact that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise, and that applications should be determined in accordance with the presumption in favour of sustainable development, when taking into account the policies in the NPPF and this planning policy for traveller sites.

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

Mere Town Council – Object for the following reasons :-

“The application states that this is a proposal for an extension to an existing gypsy and traveller site. This would rather imply that there is an existing gypsy and traveller site at this location. However, the location currently has planning permission for 1 No. Romany gypsy pitch and associated works including 1 mobile home, 1 day room, 1 touring caravan and stables for the keeping of horses. The existing permission was granted, in July 2015, with a condition for no more than one caravan to be used for residential purposes in order to restrict the occupation of the site. It may therefore be misleading to call it a gypsy and traveller site, implying that it is a site for gypsy and travellers (plural) – whereas it is a site for one gypsy and traveller (singular).

Bearing this in mind, the application proposals would therefore create a significant change of use for the site with significant impact on the landscape, surrounding countryside, highways & amenities.

The Wiltshire Core Strategy Core Policy 47 states:

*Proposals for new Gypsy and Traveller pitches or Travelling Showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Proposals must satisfy the following general criteria:*

*i. no significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable*

Please see photographic evidence showing historic flooding of site (attached). Furthermore, it is believed that it would be considered an inappropriate location for conventional housing. (See Planning Appeal by Richborough Estates for Land at Castle Street, Mere – App Ref: 16/12217/OUT)

*ii. it is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users*

There is no pedestrian access/footway along the highway towards Mere or Milton on Stour. The vehicular access is not considered to be “safe” – please see further details under “Specific Reasons” below:

*iii. the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal. The site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.*

It is believed that electricity has very recently been installed to service the one residential mobile home that currently exists on the site. A larger supply would be necessary to serve the proposed development along with water, sewerage, drainage and waste disposal.

*iv. it is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services. This will be defined in detail in the methodology outlined in the Site Allocations DPD, and*

*iv. it will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.*

The Planning Appeal by Richborough Estates for Land at Castle Street, Mere - a site just 1.13 km away was dismissed by the Planning Inspectorate on the basis that it would cause harm to the landscape character of the area and the very significant levels of harm to the setting of Mere Conservation Area and to Mere Castle, both designated heritage assets and the latter a scheduled ancient monument, the highest order of heritage designation. We can confirm that the application site is visible from Castle Hill and Long Hill.

### Specific Reasons

Highway Safety – the site is just off the B3092 with access directly from and onto the B3092. This stretch of road has a 50mph speed limit and is the main access route from Mere to Gillingham (Dorset). It is also routinely used by private cars, commercial vehicles and HGVs travelling from the Mere direction, the A303 Trunk Road or the Frome direction to Gillingham, Shaftesbury, Blandford and Poole in Dorset. The road has no pedestrian pavement or footpath. The road has an accident record: Local knowledge can confirm that there have been a number of fatal accidents on this stretch of road during the last 40 years. The application site is both close to the brow of a hill in the Gillingham direction (south) and a blind corner on the Mere side (north) and the Town Council is concerned that it will not be possible to meet highway safety requirements for the number of movements that will be generated in and out of the site. Furthermore, the current occupier of the site is presently installing a very high brick wall either side of the vehicular entrance adjacent to the highway (presumably without planning permission) – the presence of this wall will hamper visibility for people coming out of the site but will also block views of approaching vehicles for those travelling up and down the B3092.

Flooding, Land Drainage & Sewage – Although the site is within Flood Zone 1, local knowledge demonstrates that this site is prone to flooding and has very poor drainage. The application site and fields in the surrounding area are often under water after periods of heavy rainfall with excess water draining onto adjoining fields and even onto the B3092. Surface water run-off from the hard landscaping within the proposed development will exacerbate the flooding issues and cause a negative impact on

adjoining land. The planning statement says that foul drainage will be dealt with by means of a sewage treatment plant. Given the flooding nature of this site, the Town Council has raised concerns about ground water contamination.

Visual Intrusion, loss of amenity & site screening – the site is in the open countryside and falls just outside the Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural Beauty. Although the site is bordered by a mature hedgerow from the B3092, the hedgerow is deciduous with tall, spindly branches rather than thick and compact and is therefore visible from the road. Furthermore, the site will be highly visible from local vistas and beauty spots on Long Hill & Castle Hill in Mere and the surrounding hills of the South Wiltshire Downs. The Planning Inspector, when considering the appeal by Richborough Estates for the development of land at Castle Street, noted that this area was a “pastoral landscape opening out towards the Dorset County border and the Cranborne Chase Area of Outstanding Natural Beauty.” Furthermore, the site of this planning application would be easily visible from the well-used Monarch’s Way long-distance footpath and also from numerous other Public Rights of Way in the vicinity.

Please see the Planning Inspectorate’s Appeal Decision in respect of the outline planning application submitted by Richborough Estates for land at Castle Street (it is the fourth document from the bottom of the list):

<https://development.wiltshire.gov.uk/pr/s/planningapplication/a0i3z000014emBtAAI/1612217out?tabset-8903c=2>

There is only a difference of 1300m between the land at Castle Street and this site at Mapperton Hill - it is very clear that a gypsy and traveller site development would have a detrimental impact and harm on the character of the landscape when viewed from Castle Hill, Long Hill and the Monarch’s Way and would fail to conserve the locally distinctive character of the settlement and its landscape setting.

Refuse Collection – There is no refuse bin area or refuse collection area identified within the site and it would be unacceptable and dangerous to place refuse bins out onto the B3092 road or in any area that may cause an obstruction to the highway and or visibility splay”.

Gillingham Town Council - No Comment on the application.

Zeals Parish Council - Object to this application on the grounds that it is an inappropriate development in open countryside on an unsuitable site with dangerous access onto the B road.

Note that the current development has not complied with previous planning permission conditions.

WC Arboriculturist – No objection to amended plans relocating access away from TPO tree.

WC Archaeology – No objection subject to conditions

WC Drainage – No objection subject to conditions

WC Highways – No objections subject to conditions

WC Landscape – No comments received

WC Spatial Planning – No objections. The proposal meets the Council’s criteria in Policy CP47 and the national planning guidance.

WC Public Protection – No objections, subject to the Council being satisfied that the non mains drainage sewerage system works in the location proposed

## **8. Publicity**

The application was publicised by way of a site notice and neighbour notifications and generated over 130 letters of objection, with some individuals writing in on more than one occasion. The objections can be summarised below:

- The level of development proposed is inappropriate and not proportionate to the area
- Local residents were concerned when the first application was granted on the site that it would lead to ‘mission creep’ and lead to further applications for the expansion of the site in the future
- The nature of the development is wholly inappropriate in this rural location in the open countryside.
- The development would be a blot on the landscape
- The development of this scale would put additional pressures on the already stretched services in Mere, eg the Doctors surgery.
- Access onto B3081 will be unsafe, due to it being a very busy road.
- The existing access has not been closed up, as required by the previous consent.
- Road unsafe for walkers into Mere
- In appropriate development in the open countryside
- The proposal will dominate the nearest settled community due to its size
- The land is prone to flooding
- To allow a gypsy site would be discriminatory to local farmers who cannot get planning permission for a dwelling on their land
- Visual impact on local landscape
- The mobile homes will be very visible in the landscape
- Adverse impact on biodiversity
- Light pollution in the open countryside
- Mere already has enough housing
- Planning permission was refused on the edge of Mere for a greenfield site due to its impact on the countryside and the historic views from the town
- It is not clear if the applicant meets the planning tests of being a gypsy
- The development is not in accordance with Policy CP 47
- No need for a further gypsy site has been established via local planning policy
- No details have been provided of the size of the proposed caravans

The local branch of the CPRE also raised concerns about the proposal, citing objections that the site is in the open countryside and is part of the setting for Mere, that it is contrary to Policy CP51 (Landscape) and questions whether the application complies with both local and national policy regarding the provision of gypsy sites.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning

applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

#### Principle of development

Core Policy 2 (Delivery Strategy) states that –

*“Within the defined limits of development*

*Within the limits of development, as defined on the policies maps accompanying the Core Strategy, there is a presumption in favour of sustainable development at the Principal Settlements, Market Towns, Local Service Centres and Large Villages.*

*Outside the defined limits of development*

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

The exceptions policies referred to in paragraph 4.25 are as follows:

- Additional employment land (Core Policy 34)
- Military establishments (Core Policy 37)
- Development related to tourism (Core Policies 39 and 40)
- Rural exception sites (Core Policy 44)
- Specialist accommodation provision (Core Policies 46 and 47)
- Supporting rural life (Core Policy 48)

Meeting the needs of gypsies and travellers is one of the exceptions to Core Policy CP2, as set out above. Policy CP47 sets out the criteria against which such applications are to be considered. The development of new permanent sites in suitable and sustainable locations will be considered in accordance with the criteria set out in this policy, and the policy had been informed by the national policy set out in the Planning Policy for Traveller Sites, which was originally published in 2012, but which has been subsequently updated in 2023.

Work is progressing on the Council’s Gypsy and Traveller Development Plan Document (DPD), and a recent Gypsy and Traveller Accommodation Needs Assessment (GTAA), which identifies the need for new pitches across the County and to ensure that there is adequate pitch provision in the DPD, was carried out in 2022. This document, the 2022 – 2038 GTAA, indicates that for the period 2022 – 27 there is a need for 79 pitches for nomadic travellers. In a recent appeal elsewhere in the County (PL/2023/00249 Land at Littleton Drew, Chippenham – appeal dismissed 16 April 2024) it was accepted that this need has not started to be met, and that the Gypsy and Traveller Development Plan Document still has yet to be adopted, with a target date now of mid to late 2025. The Inspector stated that “proposals for specific sites for gypsies and travellers will therefore not realistically come forward until after this time”.

The figure of the need for 79 pitches therefore supersedes the targets set out in Policy CP47 below, which have now been met. It should be noted that the pitch requirements for gypsy and traveller sites are treated in the same way as normal market housing in that the Council is required to demonstrate that it has a 5-year supply of suitable sites. At present there is not a 5-year supply of such sites within Wiltshire, which is a material

consideration in the determination of this application. As of March this year it has been confirmed that the Council's own public sites are full and there was a long waiting list.

Core Policy 47: Meeting the needs of gypsies and travellers

*Provision should be made for at least 66 permanent pitches for gypsies and travellers, 25 transit pitches and 5 plots for travelling showpeople during the period 2011 – 2016. A further 42 permanent pitches should be provided over the period 2016 – 2021. Permanent and transit pitches should be distributed and phased as follows:*

<i>Housing market area</i>	<i>Proposed requirement (2011 – 2016)</i>	<i>Proposed requirement (2016 – 2021)</i>	<i>Transit provision (2011 – 21)</i>
<i>North and West Wiltshire</i>	26	22	10
<i>South Wiltshire</i>	37	19	8
<i>East Wiltshire</i>	3	1	7
<i>Total</i>	66	42	25

*Proposals for new gypsy and traveller pitches or travelling showpeople plots/yards will only be granted where there is no conflict with other planning policies and where no barrier to development exists. New development should be situated in sustainable locations, with preference generally given to previously developed land or vacant or derelict site in need of renewal. Where proposals satisfy the following general criteria they will be considered favourably:*

- i. No significant barriers to development exist in terms of flooding, poor drainage, poor ground stability or proximity to other hazardous land or installation where conventional housing would not be suitable.*
- ii. It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users.*
- iii. The site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage and waste disposal.*
- iv. The site must be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas.*
- v. It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services.*
- vi. It will not have an unacceptable impact on the character and appearance of the landscape and the amenities of neighbouring properties, and is sensitively designed to mitigate any impact on its surroundings.*
- vii. Adequate levels of privacy should be provided for occupiers.*
- viii. Development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlements.*
- ix. The site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.*

*In assessing sites for travelling showpeople or where mixed-uses are proposed, the site and its surrounding context are suitable for mixed residential and business uses, including storage required and/or land required for exercising animals, and would not result in an unacceptable loss of amenity and adverse impact on the safety and amenity of the site's occupants and neighbouring properties.*

*It is recommended that pre-application advice is sought on all proposals for new gypsy and traveller pitches or travelling showpeople plots/yards. Early engagement with the local community is recommended to ensure sites are developed sensitively to their context.*

It is firstly necessary to consider whether the applicant does meet the criteria set out in the National planning guidance with respect to people of a gypsy or traveller heritage. The definition contained in Annex 1 of the document states that:-

*For the purposes of this planning policy "gypsies and travellers" means:*

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

Enquires were made as to whether the intended occupiers of the proposed pitches met the above criteria and your officers are satisfied that they do. On that basis the application then falls to be considered against the above criteria in Policy CP47, along with national policy, and any other policies that are relevant to a development in this location. The application details will now be considered against the individual criteria set out in the above policy CP47.

Criteria i that there are no significant barriers to development.

The site is not located within an area of flood risk from fluvial or groundwater flooding according to the Council's Strategic Flood Risk Assessment, although a small part of the site is liable to surface water flooding. The Council's Drainage Engineers raised no objection to the proposal, subject to conditions, following details discussions with the applicants to produce a workable scheme for the disposal of foul water from the site. It is an area of land previously used for agricultural activities and had no physical impediment to development in the manner proposed.

The Council's Drainage engineers commented that:-

*In February 2024 the LLFA had the following objections to the proposal comprising of an attenuation pond / soakaway feature.*

- 1. No development shall commence on site until the applicant has provided calculations which demonstrate that the required 20% betterment against greenfield rates has been achieved for all storm events between the 1 in 1 year and the 1 in 100year return period storm events.*
- 2. The applicant is required to submitted calculations which demonstrate that the proposed drainage design provides a sufficient level of water treatment.*
- 3. The applicant is required to show overland exceedance routes on the drainage plan for flows in excess of the 1 in 100 year plus climate change (40%) rainfall event.*
- 4. The applicant is required to demonstrate that the proposed discharge from the package treatment plant is in full compliance with the General Binding Rules (for discharge to a drainage field) or that an Environmental Permit from the EA has been obtained.*

*The LLFA is satisfied that adequate responses have been provided to the points above and that we have no further objections to the proposal.*

Criteria ii that it is served by a safe and convenient vehicular and pedestrian access.

Your Highways Engineers have concluded, subject to conditions, that the access arrangements to the site onto the B3092, are acceptable and will not cause significant hazard to other road users.

Criteria iii that the site can be adequately serviced.

The application includes the provision of a package sewage treatment plant, which will be licenced by the Environment Agency to ensure no pollution of nearby water courses. There is nothing within the application or the consultee responses that would lead the LPA to conclude that the site cannot be adequately serviced.

Criteria iv that the site is large enough to provide adequate vehicular parking and manoeuvring, as well as amenity space for residents.

From the Site Plan set out above it is clear that there is adequate parking and manoeuvring on the site for vehicles, as well as amenity space around the proposed caravans for residents. Your Highways Engineer has not raised objection to the proposed internal layout of the site. His comments on the revised Highway information submitted during the course of the determination of this application is as follows:-

*I refer to the above planning application, and in particular to the ARR (Access Review Report) dated February 2023, submitted on behalf of the applicants by The Hurlstone Partnership. You will be aware that the initial highway response dated 7/12/22 recommending refusal on highway grounds. The application including consideration of the ARR has now been allocated to me.*

*I have reviewed the ARR, visited the site, carefully measured the available access visibility and considered what level the visibility could be improved to with the extents of highway land or the red lined areas of the site.*

*The road past the site is subject to a 50mph speed limit which requires 160 metres visibility to the nearside carriageway edge based on DMRB guidance, (unless the speeds can be considered to be lower in which case a lower visibility standard can be considered).*

*The northbound approach is of straight alignment and carries traffic well up to the 50 mph speed limit. In this direction the current available visibility is 99 metres. Minimal cutting back of vegetation which has grown out over the highway verge will provide the required 160 metres visibility.*

*Turning to the southbound approach, the bend to the north slows vehicle speeds. I consider the south bound speeds around the bend to be of the order of 44 mph which requires a visibility distance of 120 metres. This distance is available from the access when measured to the southbound carriageway as the ARR sets out in some detail at section 2.14. I have also noted the details provided in the ARR regarding southbound braking distances.*

Core Strategy policy CP47 sets out sustainability considerations for Gypsy and traveller sites amongst other policy considerations. CP47 criterion (v) deals with sustainability: "proposals .....will be considered favourably (if) ...located in or near to existing settlements within



*reasonable distance of a range of local services and community facilities, in particular schools and essential health services.”*

*The site is located 1.3 miles driving distance south of the town of Mere which is listed as a local Service Centre in the Core Strategy where there are a range of facilities including a school, doctor’s surgery, shops and businesses. There are bus stops within walking distance of the site with services into Mere and Gillingham.*

*I have noted that the application reference 20/07643 residential caravan site for 4 gypsy families which recently was recommended for permission and received permission is a greater distance from Mere centre: driving distance 1.5 miles.*

*Having considered this policy and the above facts I do not consider that an objection on transport sustainability grounds could be justified.*

*The proposed internal layout is satisfactory.*

*The site area includes a second point midway along the frontage which has sub-standard visibility to the north. I consider that closure of this access should be secured.*

*I have no highway objection subject to the following conditions:-*

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

*Reason: In the interests of highway safety.*

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

*Reason: In the interests of highway safety.*

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

*Reason: In the interests of highway safety.*

*Prior to first occupation of any dwelling pitch hereby permitted the existing access located approximately midway along the red lined site frontage shall be properly and permanently closed with roadside grass verge being fully reinstated across the access position.*

*Reason: In the interests of highway safety. (Case Officer Note – since this consultation response was received the access point in question has been permanently stopped up in accordance with the requirements of the earlier consent granted on the adjoining site under ref.no. 14/10556/FUL).*

Criteria v that the site is located in or near to an existing settlement with a range of facilities.

The site is approximately 1.4km south of the town of Mere, which is listed as a Local Service Centre in the Core Strategy where there are a range of facilities including a school, doctors surgery, shops and businesses, and there are bus stops within walking distance of the site with services into Mere and Gillingham.

Policy C of Planning policy for traveller sites (PPTS) acknowledges that gypsy sites can be located within rural or semi-rural setting and para 25 quantifies this advice by stating that new traveller site development should be very strictly controlled in open countryside that is away from existing settlements. The phrase 'away from' has been interpreted on appeal to mean isolated, whereas sites within a reasonable distance from existing settlements (in some cases distances of up to a mile) have been accepted as not being 'away from' settlements for the purposes of this criteria. Indeed in the appeal decision for 19/09079/FUL Land at Brewers Pit, Bushton Road Hilmarton ( – appeal allowed 16<sup>th</sup> March 2023 ) the application site was described by the Inspector as being 'away from any settlement' (para 21 of the Inspector's decision letter) and he made no reference to this being contrary to the provisions of either Policy CP47 or the PPTS. It is considered, therefore, that the current application site about 1.4km south of the town of Mere meets criteria v.

Criteria vi that the proposal will not have an unacceptable impact on the character and appearance of the landscape and the amenity of neighbouring properties.

The site does not have any near residential neighbours, with the nearest dwelling being over 130m away. The existing mobile home on the adjoining site is situated between the application site and the proposal, which is on sloping ground which slopes away from the neighbour to the south. There are also existing hedges and hedgerow trees along the southern boundary of the site and the proposal is to increase the level of planting both around and within the site to screen it even further from the neighbour and passing traffic on the B3092. It is accepted that glimpses of the site will be possible from the lane to the north, but again there are intervening hedges and hedgerow trees which will largely mask the low lying site. There are no Public Rights of Way in the vicinity of the site, with the nearest being the Footpath MERE2 to the east of the B3092, about 300m away. It is possible that the site can be seen from Castle Hill in Mere, approx. 1.6km to the north, but the site would be seen against the backdrop of the extensive farm buildings associated with Mapperton Hill Farm, which is at a higher level than the application site. The appeal decision referred to by the Town Council and others where the Inspector dismissed an appeal for a substantial housing development was much closer to the town and the Castle Hill than the current application site, and covered a much more extensive area of land. It is suggested that the two proposals are not comparable and that the impact from the Hill is significantly less in the current scheme, sufficient not to be a reason for refusal.

The photographs below show the general state of the land as it existed at the time of the submission of the application. The access point shown in the photo has now been closed off in accordance with a condition of the earlier application for a Gypsy and Traveller plot on the adjoining land, and the Case Officer confirmed this had occurred at a site visit.



General view across the site

The site lies in a Special Landscape Area, which is a local designation saved from the Salisbury District Local Plan. Policy C6 says that within the Special Landscape Area development should be sympathetic with the landscape, and use materials appropriate to the locality. The proposal is for the siting of a number of mobile homes and touring caravans, with no permanent buildings proposed. To comply with the provisions of the Caravans Site Act the height of mobile homes is limited to 10 feet (just over 3 metres) and therefore they are not obtrusive over hedging that could be 2m in height. The Council's Landscape Officer has made no comment in respect of this application. It is considered with suitable planting around and within the site that this proposal will not have an adverse impact on the landscape of the area and would not be contrary to Policy CP 51 of the Core Strategy.

It is therefore concluded that the proposal meets the criteria vi of policy CP 47.

Criteria vii that adequate levels of privacy can be provided for the occupiers.

As is set out above, this site is in a rural area with no immediate neighbours and the site is surrounded by an existing hedgerow which will be enhanced as part of the development. The site therefore meets the requirements of this criteria.

Criteria viii that the site should be appropriate to the scale and character of its surroundings.

The application site is currently an open area of land that has been used for the grazing of horses. Adjacent to the site are buildings and structures associated with the adjoining gypsy and Traveller pitch, along with some on the actual site itself. These containers will have to be removed to allow for the development of the site as proposed.

Concern has been expressed by local residents about the size, scale and location of the site proposed. However, from the evidence set out above, the Council still has a shortfall of 79 Gypsy and Traveller pitches across the County and does not have a Gypsy and Traveller Development Plan Document in place which allocates sites for this use. Therefore, there is a recognised unmet need for Gypsy and Traveller pitches across the County and there are currently no location requirements for these pitches. If the application meets the criteria of

Policy CP47, and other relevant policies in the Core Strategy and National Guidance, then planning permission should be granted.

A number of objections to the scheme make reference to the scale of the development leading to an unacceptable concentration of gypsy and traveller sites in the vicinity of Mere. However in a recent appeal decision elsewhere in the County (Land adj B4040, Mintey, North Wiltshire SN16 9RQ LPA ref. PL/2021/06991, decision date 2 November 2023) for 4 additional pitches and associated works the appeal was allowed and the Inspector commented in respect of the number of units proposed and the impact on the local community as follows:-

*14. Part of the Council's concern relates to the scale of the proposed development when considered in combination with other existing and consented Gypsy and Traveller pitches near to Minety and the effect that this would have on the settled community. At the hearing the Council produced evidence regarding facilities within Minety and the scale of the settled community. ONS<sub>2</sub> 2021 census data showed the population of Minety to be 860 people spread across 350 households and I heard that the village benefits from a number of services and facilities including a pub, shop, primary school, church and village hall.*

*15. The proposed development is for an additional 4 pitches which combined with the 2 approved pitches on the adjacent part of the field and 16 existing pitches at Sambourne Park, would result in an increase from 18 to 22 pitches near to Minety with a total of 38 pitches within a 2km radius of the village according to the Council. Having regard to the scale of the proposed development both in isolation and combined with other existing and permitted pitches compared with the scale of the adjacent village, I consider that it would be appropriate to the scale and character of existing nearby settlements. It would not dominate the nearest settled community at Minety or place undue pressure on local infrastructure.*

The nearest town to the current application site is Mere, which is listed as a Local Service Centre in the Core Strategy and at the last census had a parish population of 3,106. It contains a number of services such as shops, school, doctor's surgery and employment opportunities. In light of the Inspector's comments above it is not felt that the increase in numbers of pitches on the site from 1 to 11, along with 4 recently granted nearby at Jane Oaks Farm (Ref. no. 20/07643/FUL) would dominate the nearest community or place undue pressure on local infrastructure.

It is therefore considered that the proposal meets criteria viii, and is appropriate to its surroundings.

Criteria ix that the site will not compromise any nationally or internationally recognised designation, nor have adverse effects on river quality, biodiversity or archaeology.

The site lies outside of the catchment of the River Avon, where there are concerns about the impact of additional development on the water quality of this system that it designated for its wildlife importance. There are no features of biodiversity importance in the vicinity of the site. It does not affect any recognised designation, and the Council's Archaeologists were consulted on the application and raise no objection, subject to conditions. The site also lies at a significant distance from the Cranborne Chase AONB so as not to have a significant effect on that designated landscape either. Therefore the proposed development meets criteria ix of Policy CP47.

Policy CP47 comments that 'new development should be situated in sustainable locations, with preference generally given to previously developed land or a vacant or derelict site in need of renewal. Where proposals satisfy the general criteria they will be considered favourably.' The application site is not on previously developed land but it is a relatively small

area of pasture land that is not of high agricultural value. It is located within close proximity to the town of Mere and is on a bus route between Mere and the larger town of Gillingham in Dorset to the south.

Policy CP51 – Landscape, is also relevant when considering an application within the open countryside, but as can be seen from the comments in respect of criteria vi above, it has been concluded that the scheme is acceptable and will not have an adverse impact on the area, subject to suitable conditions. The mobile homes are limited in how high they can be to comply with the definition of a caravan in s.29(1) of the 1960 Caravans Site Act which was modified by s. 13(1) of the 1968 Act. s.13(2) of the 1968 Act. As the application is proposing a number of caravans within the application it is not necessary to know how large they are proposed to be as they will have to meet the definitions set out in the above Act to remain within that definition. Anything outside of that range will not have planning permission.

The Inspector who determined the appeal in Minety, referred to above, commented that:-

*In the main, the appeal site and wider field is laid to grass and the boundary of the field is marked by existing hedgerows and trees. There are some limited gaps through the landscaping, including along the line of a public footpath that runs diagonally across the field to the north the appeal site. The appeal site is located in a countryside location, near to the village of Minety. The surrounding area largely comprises fields interspersed with sporadic development including Sambourne Park, an existing 16 pitch Gypsy and Traveller site located near to the appeal site and separated from it by an intervening field. The site falls within the Thames Valley Floor area of the Thames Open Clay Vale Landscape Character Area, noted as a low lying, largely tranquil rural landscape that is highly sensitive to change, but it is not subject to any specific landscape designations.*

*The layout and appearance of the proposed pitches would be similar to the approved pitches to the front of the field, although they would each have a day room and development on the appeal site would have a higher density. The appeal site and surrounding land is largely flat, though Sambourne Road is set at a slightly higher level. Whilst the site access and gaps in existing landscaping would allow for some views of the proposed development from the adjacent road, these would be fleeting given the lack of footpaths and the likely speed that passing vehicles would be travelling at. I acknowledge however that development at the appeal site would inevitably become more visible during the winter months when surrounding landscaping is not in leaf.*

*However, this could at least in part, be mitigated by the provision of additional landscaping.*

It is suggested that the situation in Minety and the current application site are similar in terms of location in a sensitive, but not subject to any specific landscape designations and that the impact of the development on the wider landscape will be largely limited to glimpses into the site from traffic passing along the highway as there are no public rights of way in the immediate vicinity of the land in question, and the site is some distance away from the higher ground around Mere and the AONB to the north.

The comments of local residents and the two local Town Councils are acknowledged, but it is considered that their concerns have been adequately addressed in the section above and that the proposal is compliant with both national and local planning policy and that there is insufficient grounds to object to the proposal.

#### Other material considerations

Five Year Land Supply –

As has been mentioned above, the requirement to have a 5 year land supply applies equally to gypsy and traveller sites as it does normal bricks and mortar housing. At a recent appeal into the provision of a gypsy site elsewhere in the County ((2023/00249 Land at Littleton Drew, Chippenham – appeal dismissed 16 April 2024 which is attached as an appendix to this report) where the planning application was refused as not being in full compliance with Policy CP47, the Inspector commented on the need and supply of gypsy and traveller sites in his decision letter, as follows:-

*40. Policy B of the PPTS indicates that Councils should be able to identify a five year supply of deliverable sites for gypsies and travellers to meet locally set targets. However, the Council accepts that the current development plan does not allocate sites for gypsies and travellers and that it cannot demonstrate a five-year supply at the moment set against the 2022 Gypsy and Traveller Accommodation Assessment (GTAA). This identifies a need for 79 pitches over the period 2022-2027. This is not a recent occurrence. Dr Ruston refers to a 2023 appeal decision where the evidence submitted showed that the Council had failed to deliver sites via the development plan process and the inspector described this as 'a woeful failure of policy'. The situation is unlikely to improve in the short term. The Council had started a Gypsies and Travellers DPD in March 2021 but this is now scheduled in the Local Development Scheme for adoption in mid to late 2025 and will concentrate on a review of Core Policy 47. Proposals for specific sites for gypsies and travellers will therefore not realistically come forward until after that time.*

*41. At the Hearing both of the main parties accepted that there were no other sites available and suitable for the appellant and families to turn to at the moment. It was reported that the Council's own public sites were full and there was a long waiting list. Other known sites tended to be private and were occupied by the owning family and were not available to outsiders.*

This very recent appeal decision, issued in April of this year, states clearly that the Council does not have, and is not likely to have in the near future, a 5 year supply of suitable gypsy and traveller sites. This is a material consideration in the determination of the current application before the Committee today, especially as the application appears to be in accordance with the provisions of both local and national policy on the subject.

## **10. Conclusion (The Planning Balance)**

This application proposes the development of land for a gypsy and traveller site to accommodate 10 mobile homes, and 10 touring caravans (one each per pitch), along with access improvements, parking, hardstandings and a package sewage treatment plant on land outside of any settlement boundary and therefore in open countryside. No permanent buildings are proposed. Therefore, to meet the provisions of policy CP2 (Delivery Strategy) and CP47 (Meeting the needs of gypsies and travellers) the development has to comply with a number of criteria.

From the assessment set out in section 9 above, it is considered that the proposed development does comply with the provisions of Policy CP47, and it therefore one to the types of development considered acceptable under special circumstances for Policy CP2. The consideration above is that the scheme is acceptable in that it will not have an adverse impact on the landscape of the locality, and the Highways Officer is happy that the use of the site in the manner proposed will not have an adverse impact on highway safety, which is another key criteria for development within the area.

The proposal will help to meet the acknowledged shortfall in gypsy and traveller pitches across Wiltshire and as is set out in paragraph 11 of the NPPF, decisions should apply a presumption in favour of sustainable development and should approve proposals that accord with the up to date development plan, or where the policies for determining the application are out of date, grant development unless it is in a protected area or the development would have adverse impacts on the policies of the NPPF as a whole.

It is considered that the proposed development would not be contrary to either local or national planning policy and should therefore be granted planning permission, subject to suitable conditions.

**RECOMMENDATION –**

**To grant, subject to the conditions 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 development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Drawing no. MD22-SLP Rev A, received on 17<sup>th</sup> November 2022  
Site Layout Plan and Drainage layout, Drawing no. 0500 Rev P3 received on 10<sup>th</sup> April 2024

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

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

- a detailed planting specification showing all plant species, which shall not include non-native species, supply and planting sizes and planting densities;
- all hard and soft surfacing materials
- car parking layout

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and/ the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

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

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

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

- 5) No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems and all third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

- 6) No development shall commence on site until a scheme for the discharge of foul water from the site/phase, including all third party approvals, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

- 7) No new external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Note 01/21 The Reduction of Obtrusive Light" (ILP, 2021)", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

- 8) No development shall commence No development shall commence within the area indicated by the red line boundary on Site Location Plan MD22-SLP Revision A until:

a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved in writing by the Local Planning Authority; and

b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: In order to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and to make this evidence and any archive generated publicly accessible in accordance with Paragraph 205 of the NPPF.

- 9) Notwithstanding the provisions of the Town and Country Planning (General



Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no buildings or structures, or gate, wall, fence or other means of enclosure, other than those shown on the approved plans, or the subsequently approved landscaping and means of enclosure plans, shall be erected or placed anywhere on the site on the approved plans.

REASON: To safeguard the character and appearance of the area.

- 10) The site shall not be occupied by any persons other than gypsies and travellers, defined as persons of a nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

REASON: Planning permission has only been granted on the basis of a demonstrated unmet need for accommodation for gypsies and travellers and it is therefore necessary to keep the site available to meet that need.

- 11) No more than 20 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than 10 shall be static caravans, shall be stationed on the site at any time in accordance with the Proposed Site Layout Plan, received on 10 April 2024.

REASON: In the interests of the appearance of the site and the amenities of the area, and to limit the number of caravans on the site in this countryside location where planning permission would not normally be granted.

- 12) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site, and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

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

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

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

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

REASON: In the interests of highway safety.

## Informative Notes

- 1) The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.
- 2) Consultation with the Environment Agency is likely to be required in relation the purposed package treatment plant.

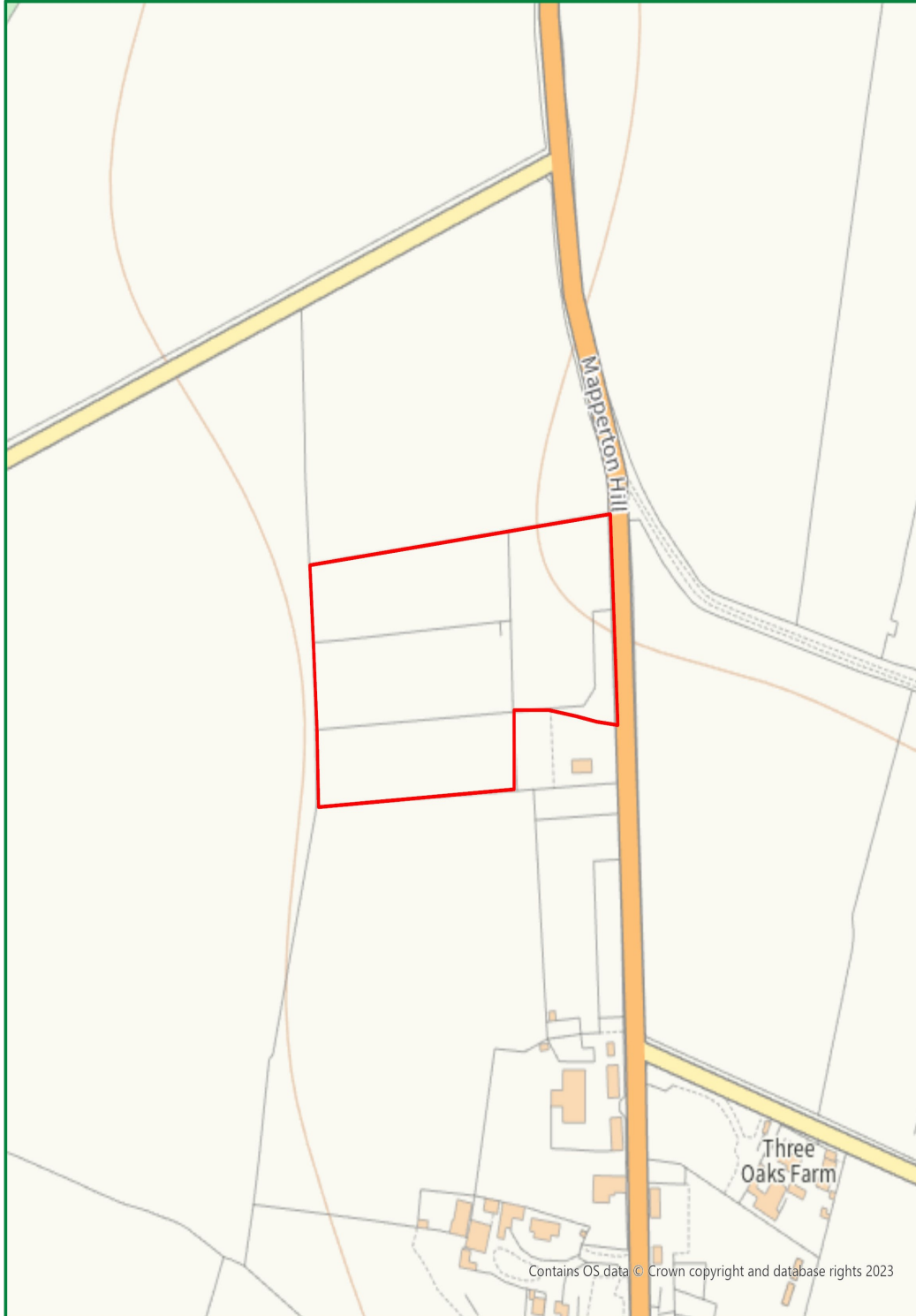
Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

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

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

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

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



Contains OS data © Crown copyright and database rights 2023

1:2,500



380379E 130964N m

© Crown Copyright and Database Rights 2024 Ordnance Survey Licence No

This page is intentionally left blank

## REPORT FOR STRATEGIC PLANNING COMMITTEE

<b>Date of Meeting</b>	10 July 2024
<b>Application Number</b>	PL/2023/03024
<b>Application type</b>	FULL
<b>Site Address</b>	East Farm, Codford St Mary , Wiltshire , BA12 0LN
<b>Proposal</b>	Installation of a solar photovoltaic scheme together with landscaping and associated infrastructure
<b>Applicant</b>	J.M. Stratton & Co
<b>Town/Parish Council</b>	Codford Parish Council
<b>Electoral Division</b>	Wylve Valley – Cllr Christopher Newbury
<b>Case Officer</b>	David Cox

### Reason for the application being considered by Committee

This application has been 'called in' for Committee to determine at the request of the local Wylve Valley Division Member, Cllr Christopher Newbury, for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design and general appearance
- Environmental or Highway Impact

### 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 subject to conditions.

### 2. Report Summary

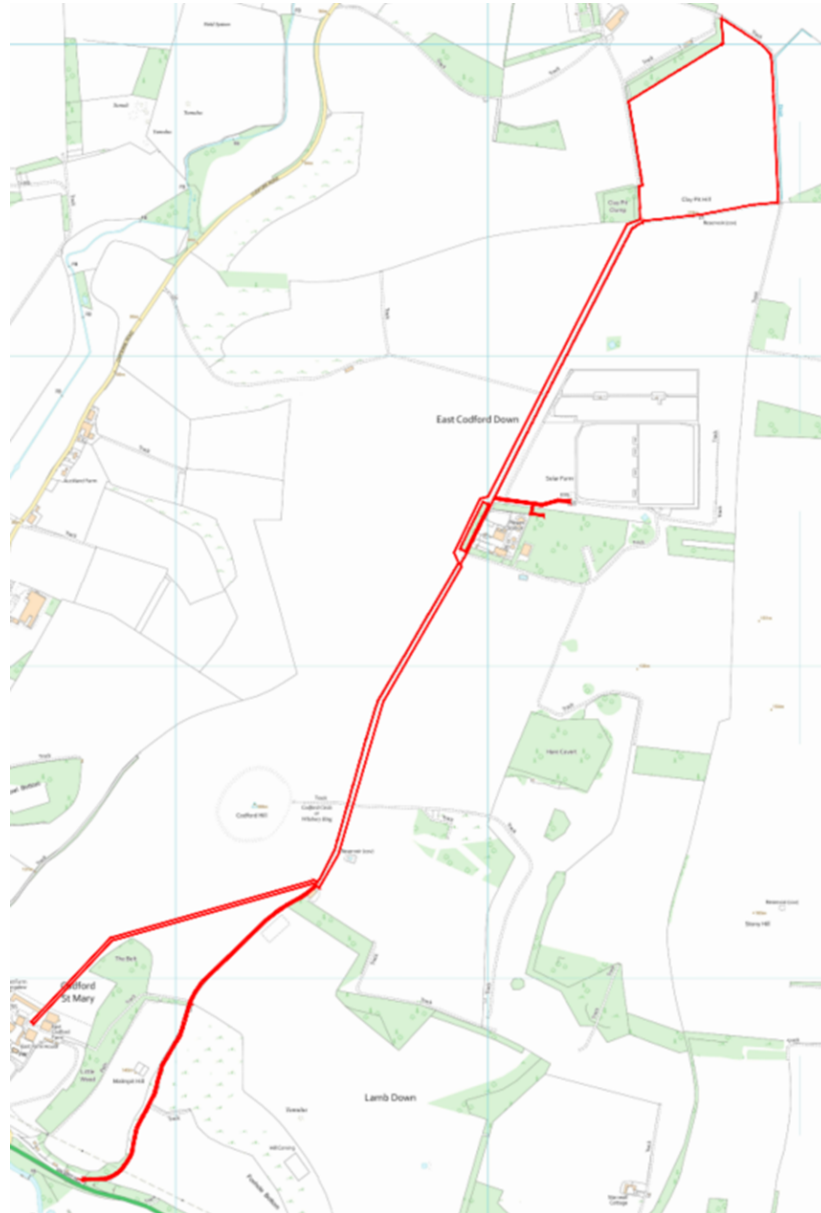
The key determining planning issues are considered to be:

- Principle of development
  - *i) Renewable Energy*
  - *ii) Whether the proposal would result in the loss of best and most versatile agricultural land;*
  - *iii) Cumulative Impact of Solar Farms in Wiltshire*
- Landscape Impact
- Impact on biodiversity
- Impact on neighbouring amenity
- Noise impact on potential residents
- Archaeology and any other historic impact

- Flood Risk and Drainage

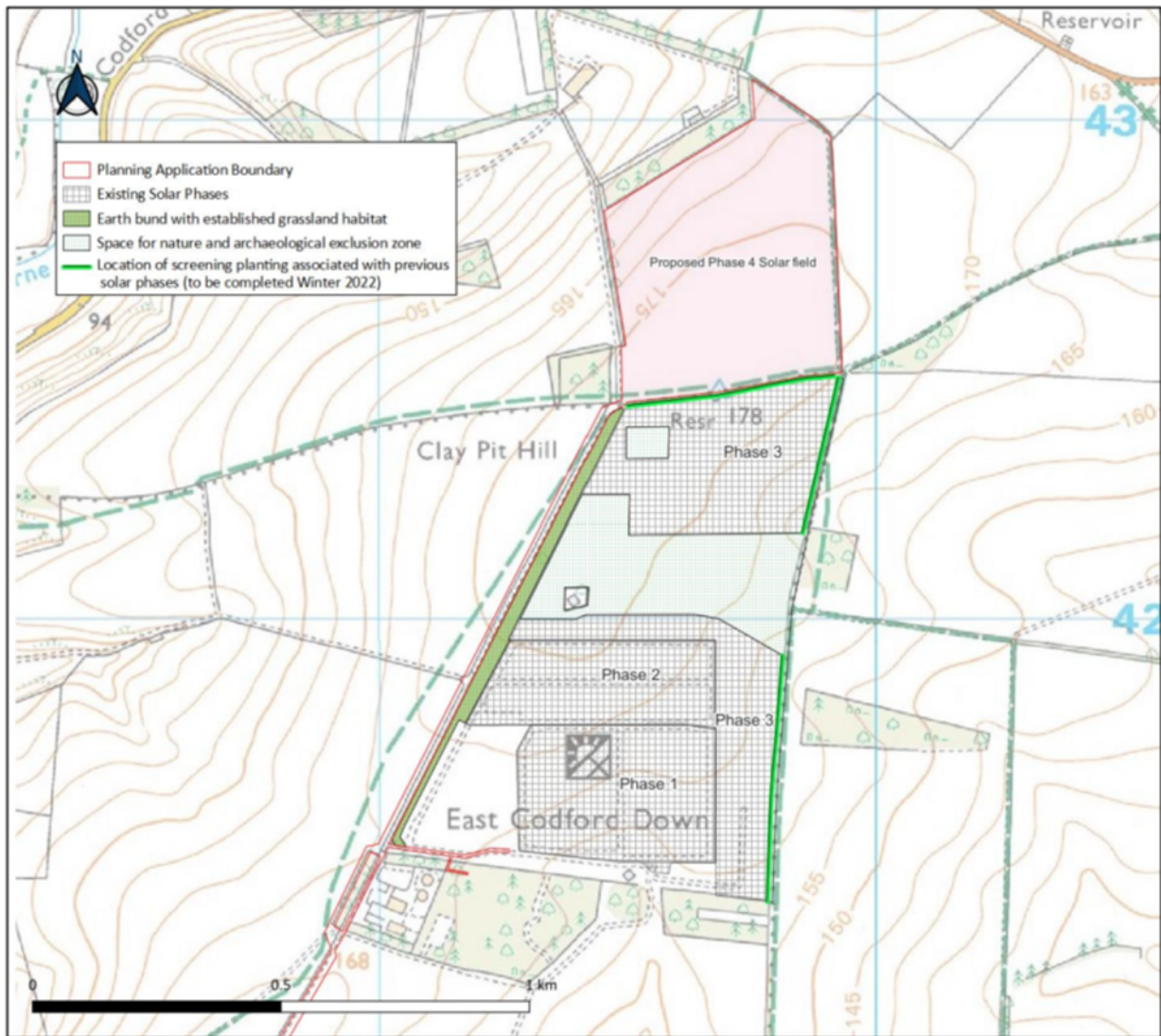
### 3. Site Description

The application site is located within the Salisbury Plain open countryside, and on land located broadly between Codford St Mary and Chitterne. The application site for the solar panels is approximately 22 hectares, but the access track and cable route would extend for approximately 3km towards Codford (as illustrated by the red outline shown below). The site has been used previously to grow cereal and 'other' cereal crops.



***Full Site Location Plan (illustrating the access road from Codford St Mary and proposed cable route that diverts into the applicants farmyard)***

The land to the south of the application site (and due to the previous applications of the applicants) has seen quite an intensification of development over the last decade including a biomass digester, glasshouse development, three phases of solar parks and a bund with a length of approximately 920m (as seen on the next page).

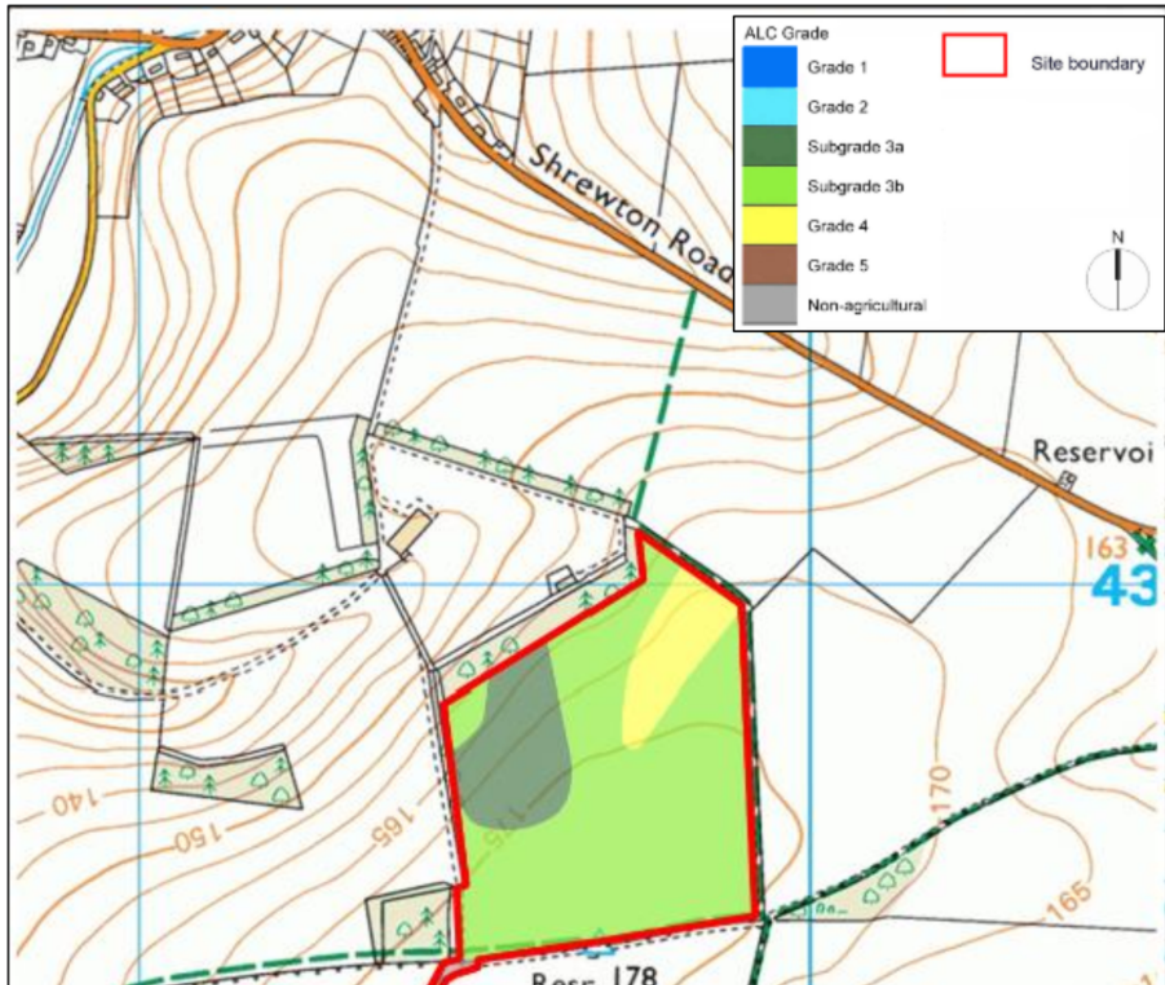


**Figure 2.2 Proposed Development and Surrounds**

**Extract from Environmental Statement showing the application site, the digester and solar phases 1-3 – NOTE the glasshouses are not shown but are located in the white area with the word ‘East’.**

The application site area comprises of approximately 22 hectares of what Council records show to be ‘grade 3’ agricultural land. In the supporting Environmental Statement, it confirms that approximately 3.4 hectares of land is classified as 3a (c15.4%) with the rest (84.6%) being 3b and grade 4 as shown in the map image below. The Environmental Statement confirms;

*“The isolated pocket of subgrade 3a is enclosed by tree planting to the north, by a farm track and tree planting to the west, and by moderate quality subgrade 3b land (and some grade 4) to the south and east. Therefore, for practical farming purposes, the versatility of the subgrade 3a on site is restricted, and it is not practicable to utilise the subgrade 3a land differently from the subgrade 3b land.”*



**Applicants submitted Plan showing the application site's 3a and 3b (and class 4) land**

The Environmental Statement also sets out that the agricultural land assessment was carried out by;

*“Rob Askew, Director of Askew Land and Soil, a fellow (F.I. Soil Sci) of the British Society of Soil Science (BSSS) and a Chartered Scientist (CSci). Rob has over thirty years of experience in environmental research and consultancy, including the role as the past President of the institute of professional Soil Scientists (IPSS), which is now the professional practice committee of the BSSS.*

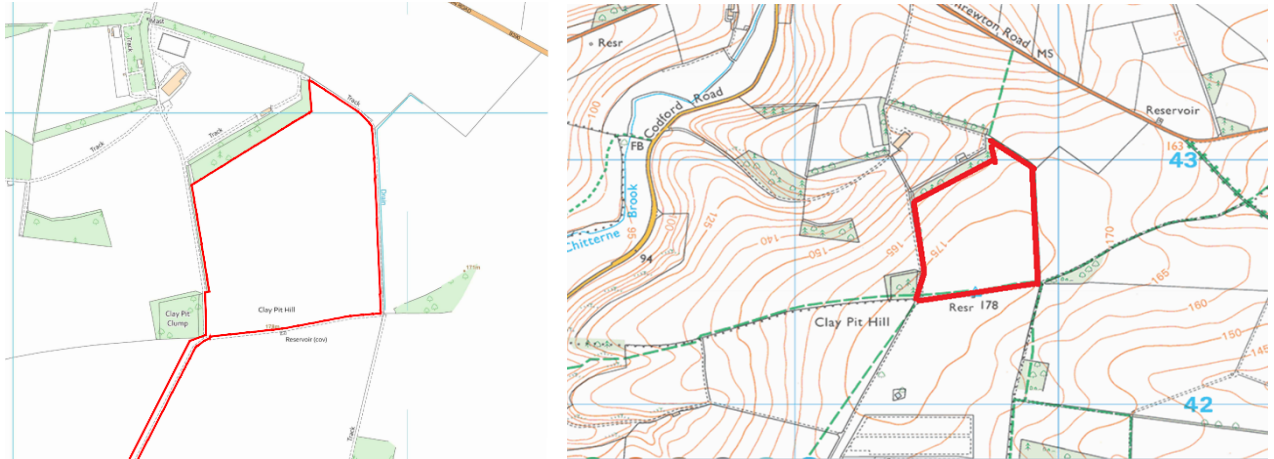
*Following the submission of the EIA scoping report, the following baseline work was undertaken to inform the assessment and further determine the Agricultural Land Classification (ALC) for the study area. Detailed ALC of 22-hectare study area (based on a 100m grid survey pattern). A soil profile data/auger boring log was prepared to determine the ALC grades of agricultural land over the site.*

*Less than 16% of the phase 4 solar field is classified as best and most versatile land.”*

The Council's own mapping system only details that the land is 'grade 3' and does not have the detail as to whether its 3a or 3b. DEFRA's 'magic maps' also does not map this specific site. Therefore, the applicant's submitted statement is considered to be the only available accurate assessment of the site's agricultural grading.



The southern end of the main solar panel part of the application site is located on the highest part of 'Clay Pitt Hill', which is marked at 'Resr 178' as seen in the map image below. The application site then slopes down northwards by approximately 13m (to the 165-contour line) mainly towards Chitterne to the north and Codford Road to the west. The site does also fall slightly to the northeast towards the B390 Shrewton Road. The field to the north of the application site which abuts the B390 itself, falls quite steeply from approximately 165m down to circa 125m.



**Part of the Site Location plan and Council mapping image of the site**

There is a honeycomb of public rights of way (the green dash lines on the mapping image above) that pass immediately alongside the southern and eastern boundaries of the application site (CHIT14 and CHIT13) which also link into other public rights of way, most notably WYLY1 and WYLY9 which pass alongside the existing solar phases and CODF10 which passes the glasshouses and biomass digester.



**View from CHIT13/14 in south eastern corner of the application site looking west along CHIT14 with solar phase 3 on the left**



***View from CHIT13 in the south eastern corner of the application site looking north west towards northern boundary***



***View from and of CHIT13 in south eastern corner of the application site looking north along eastern boundary***



***View From CHIT13 looking north towards B390 with Chitterne (out of view) to the left***



***View from CHIT13 looking at northern boundary of the site – this is where the new woodland planting would be located to link with existing woodland in the foreground***



**Google Street view image from (blue arrow) on the B390**

Despite the application site sloping northwards down towards the B390, due to slope becoming steeper away from the application site itself, the southern edge of the application site, and even the small woodland, is not readily visible from the B390 Shrewton Road. In order to just see the southern edges of the application site, one must travel approximately 675m out from Chitterne along the B390 and up the hill towards the 'reservoir tank'. The distance to the application site from the Google street image below is approximately 360m. Note that this is only the edge of the application site, and not the edge of the proposed solar panels.



**Google Street view image from (blue arrow) on the B390**

It is only once near the top of the hill, near the reservoir tank, when views of the actual application site from the B390 are possible, as seen in the image on the next page. The distance to the application site from the image below is approximately 425m.



**Google Street view image from (blue arrow) on the B390**

The application site is approximately 2.2km north of the National Landscape (previously the Cranborne Chase & West Wiltshire Downs Area of Outstanding Natural Beauty) but is within a “*Special Landscape Area*” a saved policy (C3) from the West Wiltshire District Plan 1st Alteration 2004.

#### **4. Planning History of Application Site**

PL/2022/02628 - EIA Screening Opinion for proposed installation of a solar photovoltaic array and associated infrastructure – EIA Required

ENQ/2022/00444 – Installation of Solar Array and associated infrastructure

These adjoining sites are also of relevance in relation to the cumulative impact of development.

##### Anaerobic Digestion Facility

W/11/00745/WCM - Demolition of redundant dairy unit, development of Anaerobic Digestion Facility, installation of underground electric cable, improvement of existing private road and associated landscaping works – Approved with conditions

20/02704/WCM - Variation of conditions 12 and 13 of W/11/00745/WCM to allow vehicle delivery movement from 07:00 on weekdays and to allow 50 vehicle movements per day (Mon to Fri) and 12 on Saturdays – Approved with conditions

##### Glasshouses

15/11066/FUL - Erection of glasshouses and associated works – Approved with conditions

18/02195/FUL - Erection of Glasshouses and associated works – Approved with conditions

##### Solar Phases 1-3

13/05001/FUL - Erection of up to 22,000 ground mounted solar panels, landscaping and associated works – Approved with conditions

18/00292/SCR - EIA Screening Opinion for proposed glasshouse and solar farm development – EIA not required

19/11700/FUL - Erection of solar panels and associated works – Approved with conditions

19/03576/FUL - Resubmission of 18/03167/FUL - Erection of Solar panel – Approved with conditions

PL/2021/06698 - Variation of condition 2 (amendment to plans) pursuant to application number 19/11700/FUL –(Erection of solar panels and associated works) – Approved with conditions

PL/2021/07491 - Variation of condition 2 (amendment to plans) pursuant to application number 19/03576/FUL –(Resubmission of 18/03167/FUL - Erection of Solar panels) – Approved with conditions

## **5. Proposal**

The proposal is for the installation of a solar farm of up to 18MW of generating capacity, comprising the installation of ground mounted south facing solar photovoltaic panels and associated infrastructure (including 4 battery storage units). There would be approximately 34 CCTV cameras and 8 transformers, enclosed by deer fencing and a substation outside of the fenced area.

The site would be accessed via Malpitt Hill from Codford, which shares the access route to the anaerobic digestion plant and all associated movements with the glasshouses.

Due to the cumulation with the anaerobic digestion plant, glasshouses and solar phases 1-3, it was concluded in application PL/2022/02628 (EIA screening) that the proposal would be EIA development, which would need an Environmental Statement to include the specific details of;

- Landscape and visual impacts
- Impacts to historic environment and
- Impacts on agricultural land

An Environmental Statement has been submitted with the application. The application has been submitted with these main documents (full document list is found in condition 2);

*Environmental Statement - Non-Technical Summary*

*Environmental Statement - Chapter 6 Landscape and Visual Impact Assessment*

*Environmental Statement - Chapter 7 Historic Environment*

*Environmental Statement - Chapter 8 Agricultural Land*

*Environmental Statement - Chapter 9 Conclusions*

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

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

*Environmental Statement - Appendix 7.1 Historic Environment Assessment*

*Habitat Regulations Assessment (Stone Curlew)*

*Transport Statement*

*Ecological Impact Assessment – dated May 2023*

*Preliminary Ecological Appraisal Version 1.0 – dated September 2021- Daniel Ahern Ecology*

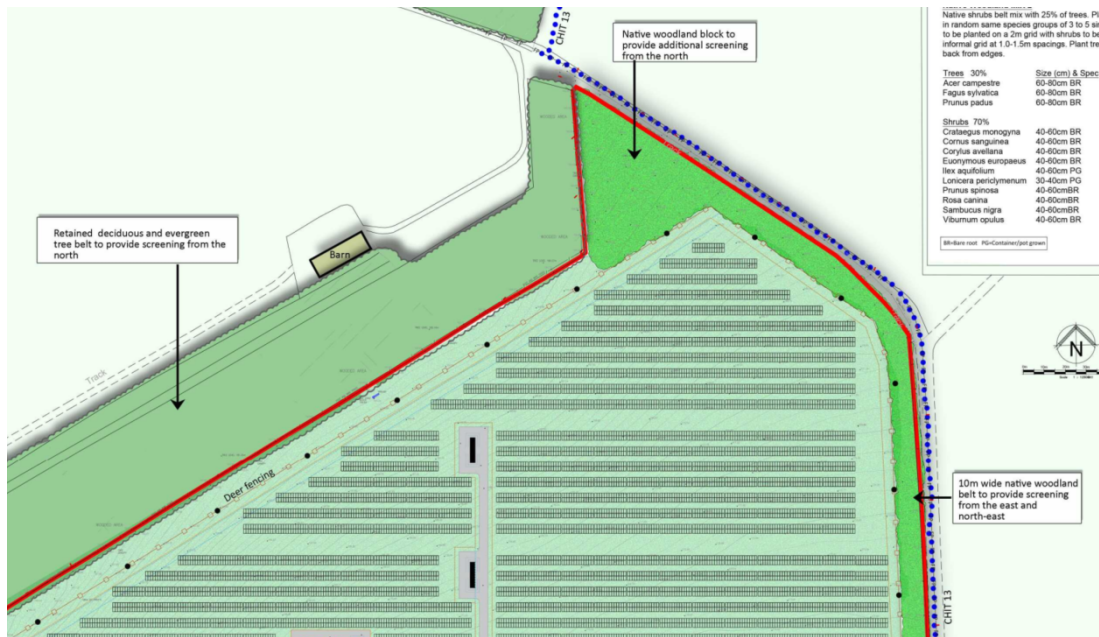
*Bio-diversity Metric Calculations Tool*

*Flood Risk Assessment and Drainage Strategy*

*Addendum to Environmental Statement and Design and Access Statement*

For the avoidance of any doubt, when this application was first received the description included a 'nutrient credit scheme'; however, due to issues with Natural England as how to calculate and





**Extract from Proposed Landscaping Plan**

The existing tree woodland to the west and north would be retained, with a native woodland block planted in the northern 'triangle' part of the site and with a 10m wide woodland belt on the eastern boundary. The southern boundary would have a native mixed field hedge planted. The deer fencing would be erected on the inside edge of the proposed planting.

## 6. Planning Policy

### National Context:

National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG)

Planning Policy Framework and Planning Policy Guidance

Habitats Regulations

### Written Ministerial Statement 15 May 2024

On 15 May 2024, the government announced in a written ministerial statement cautioning against approving the construction of solar farms on farmland and advised councils to consider the 'cumulative impact' of new solar farms.

The ministerial statement states;

*"Food security is an essential part of national security. This Government is fully committed to delivering robust UK food security and recognises its paramount importance to our national security. This is reflected in our commitment to maintain the current level of food we produce domestically. Heightened geopolitical risk has brought this into sharper focus and we think it is more important than ever that our best agricultural land is protected and our food production prioritised.*

*Similarly, we have seen our energy security threatened following Putin's illegal invasion of Ukraine with the government spending over £40bn to pay up to a half of people's energy bills. We are*



*combatting this by racing ahead with deployment of renewable energy; nearly half of our electricity today is produced from renewables which is up from only 7 percent in 2010. Solar power is a key part of the Government's strategy for energy security, net zero and clean growth. This position was reinforced in the new National Policy Statement (EN-3), published in January this year, which stated that "Solar also has an important role in delivering the government's goals for greater energy independence and the British Energy Security Strategy states that government expects a five-fold increase in combined ground and rooftop solar deployment by 2035 (up to 70GW)".*

*Government recognises that, in some instances, solar projects can affect local environments which may lead to unacceptable impacts for some local communities. The planning system is designed to balance these considerations against the need to deliver a secure, clean, green energy system for the future.*

### **Protecting the Best Agricultural Land**

*The new National Policy Statement that we published in January makes clear that "applicants should, where possible, utilise suitable previously developed land, brownfield land, contaminated land and industrial land. Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible. The Government in Powering Up Britain: Energy Security Plan clarified that while "solar and farming can be complementary" developers must also have "consideration for ongoing food production."*

*Nevertheless, in balancing both the need for energy security and food production, we are concerned that as large solar developments proceed at pace, more of our 'Best and Most Versatile' (BMV) land could be used for solar PV instead of food production. I am therefore setting out further detail about how our policy on balancing these competing priorities is intended to be applied.*

*As is outlined in the National Policy Statement, the starting position for solar PV developers in taking forward Nationally Significant Infrastructure Projects is that applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality.*

*The National Policy Statement can also be a material consideration in determining applications under the Town and Country Planning Act 1990 and is broadly consistent with the approach to agricultural land in the National Planning Policy Framework which states that "Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development".*

*This means that due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary. Applicants for Nationally Significant Infrastructure Projects should avoid the use of Best and Most Versatile agricultural land where possible.*

*For Nationally Significant Infrastructure Projects, including those already in the system, the National Policy Statement and from today this WMS are likely to be important and relevant considerations in the decision making process. The Government will keep under review the evidence base underpinning the National Policy Statement published in January.*

## **Addressing Cumulative Impacts**

*While the total area of agricultural land used for solar is very small, and even in the most ambitious scenarios would still occupy less than 1% of the UK's agricultural land, we are increasingly seeing geographical clustering of proposed solar developments in some rural areas, such as in Lincolnshire. When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.*

*In parallel, my Department will be expanding the Renewable Energy Planning Database to include additional information on the types of agricultural land used by existing solar projects and those in the planning pipeline. This will enable us to carefully monitor the use of land by renewable projects in all regions of the UK.*

## **Improving Soil Surveys**

*The Government has heard concerns about the perceived inaccuracy and unfairness of soil surveys undertaken as part of the planning process for solar development. The Government will address this by supporting independent certification by an appropriate certifying body, subject to relevant business case approval, to ensure Agricultural Land Classification Soil Surveys are of a high standard, requiring surveyors to demonstrate meeting an agreed minimum requirement of training/experience. We will also seek to ensure consistency in how data is recorded and presented, so that reports on agricultural land classification are consistent, authoritative and objective.”*

### Local Context:

On 21 May 2024 Wiltshire's full Council met and carried the following motion;

*“Whilst not opposed to the principle of the development of solar farms in line with the National Planning Policy Framework this Council is increasingly concerned at the concentration of solar farms, battery storage and associated infrastructure in Wiltshire. Some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside.*

*Wiltshire Council therefore calls on the Secretary of State for the Department of Levelling Up, Housing and Communities to define more closely what is meant by ‘cumulative impact’ regarding solar farms battery storage and associated infrastructure and to take clear steps to ensure that solar developments are more evenly spread across the UK and not concentrated in specific areas effectively industrialising the countryside.*

*We would also ask for clarity of the priority given to ensuring that food production and farming are not destroyed as industries in specific areas through an excessive concentration of solar farms given the massive impact that would have on the rural way of life in villages that have been farmed for time immemorial.”*

Wiltshire Core Strategy (WCS) adopted 2015;

CP1 – Settlement Strategy; CP2 – Delivery Strategy; CP31 – Spatial Strategy for the Warminster Community Area; CP42 – Standalone Renewable Energy Installations; CP50 – Biodiversity and Geodiversity; CP51 – Landscape; CP52 Green infrastructure; CP57 – Ensuring High Quality Design and Place Shaping; CP58 – Ensuring the Conservation of the Historic Landscape; CP60 – Sustainable Transport; CP61 – Transport and Development; CP62 – Development Impacts on the

Transport Network; CP64 – Demand Management; CP65 – Movement of Goods; CP67 – Flood Risk

Paragraph 1.3 of the Wiltshire Core Strategy (WCS) key principles that underpin the strategy to help build more resilient communities are identified including:

*“Working towards lowering Wiltshire’s carbon footprint through the appropriate location of development, and through renewable energy and sustainable construction.”*

Paragraph 1.10 states: *“The overarching priorities are to help build and protect resilient communities through..... tackling the causes and effects of climate change”*

Paragraph 2.10 states: *“Climate change is a central issue to be addressed by the WCS..... The basis of this strategy is to achieve sustainable patterns of development in order to reduce carbon emissions.”*

The WCS sets out that addressing climate change as a strategic objective stating at paragraph 3.5 that: *“Climate change is possibly the greatest long-term challenge facing the world today.”*

Core Policy 42 sets out that the principle of stand-alone renewable energy projects is acceptable and will be encouraged and supported. It sets a clear criteria-based framework to encourage greater investment by the renewable energy industry within Wiltshire. In addition, the Wiltshire Core Strategy contains specific policies in relation to biodiversity (CP50), green infrastructure (CP52), high quality design (CP57), flood risk (CP67) and water resources (CP68). These all relate to reducing Wiltshire’s contribution to climate change and/or adaptation. To be compliant with these policies regard should be had to the implications of the development on climate change. As set out previously climate change is the central issue to be addressed by the development plan.

Wiltshire Council Climate Strategy – Adopted February 2022

West Wiltshire District Plan 1<sup>st</sup> Alteration (2004) ‘saved policies’ C3 - Special Landscape Areas.

Wiltshire Landscape Character Assessment ‘High Chalk Plain A3’

West Wiltshire Character Assessment ‘I2 Cope Hill Down Chalk Downland’

Wiltshire and Swindon Waste Core Strategy 2006-2026

WCS5: The Wiltshire and Swindon Waste Hierarchy and Sustainable waste Management

WCS6: Waste Reduction and Auditing

Emerging Wiltshire Local Plan Review (Regulation 18 consultation undertaken, draft submission pending). Also relevant is the evidence base including a study by LUC on renewables.

Codford St Mary Parish Council has not started its own Neighbourhood Plan (and neither have neighbouring Parish’s Chitterne or Wylve).

Cranbourne Chase AONB Management Plan 2014-2019

## **7. Consultations**

For the avoidance of any doubt when this application was first received the application description was for *“Installation of a solar photovoltaic and concurrent nutrient credit scheme, together with landscaping and associated infrastructure.”* However, following complications with Ecology and how to process the nutrient credit scheme, the applicants decided to withdraw the nutrient credits

from the application. The application was subsequently re-consulted to all parties on 10 April 2024 with the updated application description.

Codford Parish Council: No objection

Wylve Parish Council: No comments received

Chitterne Parish Council: No comments received

Wiltshire Council Climate Team Officer: Supportive

*The climate team actively and strongly encourages developers of all scales to put the mitigation of and adaptation to climate change as a golden theme to run through their development project. This is a proposal that is crucial in supporting the council's goal to seek to make the county carbon neutral by 2030. This is a goal set out in the adopted Climate Strategy. The Climate Strategy is part of the council's constitution and is a non-statutory plan of equal standing as the Business Plan. Delivering on the council's climate change commitments will support the delivery of the Business Plan including its own reiteration of the commitment to reducing the county's carbon footprint, an action derived from the council's 2019 acknowledgement of the Climate Emergency.*

*In short, Wiltshire Council has embedded addressing climate change into its constitution and needs to use its spheres of influence, such as its regulatory planning powers to affect positive change. Its statutory planning decision tool, the Wiltshire Core Strategy, provides a positive framework for standalone renewable energy proposals such as this.*

*The proposal will generate a significant amount of renewable energy, which the developer reasonably concludes will provide enough power to service the equivalent of around 5,870 typical homes. This will save significant tonnes of carbon dioxide, annually, by reducing the need to generate electricity through the burning of fossil fuels. The burning of fossil fuels results in the emission of greenhouse gases. The science of climate change is now irrefutable, the emission of greenhouse gases, such as carbon dioxide, through human activity is demonstrably warming our climate. The consequences of this negatively impacts our economy, our society and our environment. This is an issue at the heart of sustainable development. The delivery of sustainable development is what underpins the planning system. Therefore, the NPPF is clear at paragraph 152 that the planning system needs to support the transition to a low carbon future through shaping places in ways so as to contribute to radical reductions in greenhouse gases.*

*The provision of renewable energy will be key in meeting this challenge. For example, the UK government sets out in various documents including the March 2023 document, Powering Up Britain that we will need to aim for a 5-fold increase in solar PV generation by 2035. This means for the UK will need up to 70GW of power, enough to power around 20 million homes. Place this into a Wiltshire context, where solar PV has historically been by far the greatest source of renewable energy (Wiltshire County Report – Wiltshire Carbon Emissions Baselines and Reduction Pathways, March 2022), and is set to remain so, then this proposal would represent an early and significant contribution to net zero ambitions. Whilst the council's evidence on the delivery of solar PV in Wiltshire has been strong, this is not reflected in other forms of renewable energy, for example wind. The UK government reviewed its national position in the NPPF in 2023, but did not reverse its 'de-facto ban'. The carbon reduction pathway for Wiltshire sets out a reliance on wind coming forward and this now seems unlikely. So, realistically, solar PV will be the main source of renewable power for Wiltshire in the foreseeable future and will need to compensate for the lack of other renewable energy sources in Wiltshire in the transition to net zero. The transition pathway includes ambitious targets for roof-mounted solar as well as ground-mounted solar. So, it is not reasonable to consider that roof-mounted solar alone can deliver anywhere near the electricity required to meet future demand. In short, a net zero future for Wiltshire will mean we need more*

*solar on the roofs of buildings (new and existing) and we will need more standalone installations too (both brownfield and greenfield).*

*Without these types of proposals coming forward now then society will have an unrealistic task of firstly reaching net zero, but also then adapting to the environmental consequences of delayed action. This will include more extreme weather causing overheating and flooding. This proposal does not only seek to provide renewable energy, it also addresses the well acknowledged issue with renewable energy that is intermittent supply. This is achieved through the concurrent delivery of battery energy storage. This is a significant benefit of the scheme.*

*It must be considered in the scope of any planning balance that in Wiltshire, like much of the country there are problems with providing grid connections for all types of development. As such, having a proposal in a location where a point of grid connection can be achieved is important and should be afforded weight in any planning judgment.*

*The developer has clearly set out a range of benefits from this scheme beyond addressing climate change. This proposal will not only help to decarbonise the grid by the 2035 UK Government target, but it will also support energy security by reducing our reliance of fossil fuels, which are often bought from foreign markets that have become increasingly volatile driving higher energy prices. Furthermore, of particular note is that the scheme will help to delivery biodiversity net gain and allow intensively managed farm land to regenerate. The related benefit here is that it will support planning objectives around phosphorous and nitrogen in the River Avon catchment. This all relates to addressing the concurrent Ecological Emergency and might allow further appropriate housing development to meet local needs.*

*Of course, as with any major development proposal there is a need for trade-offs and planning judgement to be exercised. The mitigation hierarchy should be followed and if residual impacts are found in any planning assessment, then the council should be positive and proactive in any discussions with the developer to mitigate as far as practically possible. If harm remains, then each benefit of the scheme needs to be apportioned positive weight in favour of granting approval. The annual carbon reductions of this scheme for example ought to be afforded significant weight because climate change is the central issue to be addressed by the development plan and the importance of the issue has only increased since the extant plan was adopted in 2015.*

Wiltshire Council Public Rights of Way (PRoW) Officer: No objection subject to informative

*“The site abuts bridleways CHIT 13 and 14 and the proposed cable route crosses CHIT14 and may also cross bridleways CODF9 and 10. The routes of the paths can be seen on our online rights of way map. The fencing around the site is set back from the adjacent bridleways and I note the applicant proposes to plant a native hedge on the south side of the site, which is adjacent to bridleway CHIT14. I can’t see this proposed hedge marked on the layout plan but if it is to be planted on the south side of the fencing it should be regularly cut back by the landowner to ensure it does not reduce the width of the bridleway.*

*The applicant should check the cable route against the online rights of way map as any work requiring excavation of the bridleway must not take place without authorisation and a temporary closure. If a temporary closure is required during the works this must be applied for 3 months before any work is carried out.”*

Wiltshire Council Landscape Officer: No objection

*The planning application is accompanied by an Environmental Statement with a chapter on Landscape and Visual Impact Assessment. It has been prepared by a qualified landscape architect and follows current best practice and published guidelines. It is appropriate and proportionate to the scale of the development.*

*The site is an agricultural field currently in arable production within the large scale open farmlands of Salisbury Plain. It is bounded to the north and west by existing woodland/vegetation and open to the east and south defined only by PROW CHIT13 and CHIT14 respectively. To the south of CHIT14 are the existing solar arrays, glass house and biogas plant. The site is located within the locally designated Special Landscape Area and the AONB/NL is located approx. 2 km to the south. Due to distance and intervening vegetation there is no intervisibility between the site and the AONB/NL. Existing vegetation to the north and west of the site and proposed planting to the eastern and southern boundaries serves to reduce negative landscape character and visual influence to the immediate vicinity and wider landscape.*

*I consider that the impacts to the fabric of the site and its inherent landscape character will experience harmful effects through the change of use from an agricultural field to a solar array. This harm is technically temporary and reversible if, at end of life, the solar farm is fully decommissioned. The landscape mitigation strategy will introduce new elements of planting which will provide positive outcomes through the enhancement of landscape character and biodiversity beyond the lifespan of the array.*

*For a period of 4 months significant adverse landscape and visual effects are expected during the construction phase with the introduction of machinery, activity relating to the installation of the panels, fencing and other infrastructure. The adverse nature of the effect decreases with distance (proximity to the site) and time (operation) as the new mitigation develops.*

*It is expected that by year 8 – 10 the landscaping will have grown to a sufficient height to screen the development. No significant residual effects are expected for local landscape character areas with some residual benefits for landscape elements and biodiversity as the landscape scheme matures.*

*Residual visual effects in close proximity to the site will be minor adverse at worse with longer views judged to be negligible. The LVIA has assessed that there will be no significant cumulative landscape or visual effects in combination with the above planning applications.*

Cranborne Chase Area of Outstanding Natural Beauty Officer: General comments only

*The proposed development, phase 4 of a scheme, is located north of this National Landscape (NL) and just south of Chitterne. It is unlikely that the actual area of solar panels will be visible from this NL or that the panels will affect the physical landscape of this NL.*

*However, the connection cables appear to link back, underground, through this NL to East Farm at Codford. The cable trench is shown as passing to the south-east of the Scheduled Monument known as Codford Circle [and also as Wilsbury Ring on OS maps]. It is, therefore, likely that the cable trenches will pass through areas of archaeological interest. If you have not already done so, CCNL Partnership strongly advises seeking the views of your in-house archaeologists on any investigations or watching brief conditions that should be actioned.*

*The proposal would be to the north of the existing fields of solar panels, and considerably closer to Chitterne than Codford. It is located about 2km north of the AONB boundary, although the existing fields of PVs are considerably closer. The proposed development would add about 35% more to the area of solar panels. The cumulative addition, and associated industrialisation of the countryside, is significant. That would appear to be a permanent change as I have not read that the permission is being sought for a temporary permission.*

*The application area is given as 28.5ha and the actual field is a little smaller. It is, nevertheless, a large development proposal on a greenfield site. The location is quite elevated, meaning there are few viewpoints that would look down on the site. I also note that the topography has a slope north-westwards, generally away from this AONB. Nevertheless, as the photo from viewpoint 18 shows,*

*the existing panels are clearly visible as an unusual, hard, and glassy feature in an otherwise soft and undulating landscape from over 5km away.*

*There are a number of public rights of way both adjoining the site and converging upon it. The LVIA, as often happens with supporting documents, seems to under-estimate the extent of impacts on users of those rights of way and the extended cumulative impact in association with the already installed PV panels. The time, a decade, for mitigation / screening planting to take effect seems far too long for any location and definitely too long for one in a Special Landscape Area that is also the setting of an AONB.*

*The process could be speeded up by the use of more, larger, and pot grown plants. The proposed mixed hedges could also be reinforced by a spine of groups of standard trees. I do not see a separate landscape plan and specification apart from the one in the ES, so you may, for clarity and avoidance of doubt or misunderstanding, wish to have an updated landscape plan and specification. That would also 'knock on' to the LEMP which would need updating.*

*I must also advise you, although it is obvious to see, that the LVIA photographs were taken at a time in autumn 2022 when the hedges and trees were still in leaf. That situation provides considerable screening and does not provide the 'worst case scenario' set out in the standard guidance on the LVIA process [GLVIA 3rd Edn]. The conclusions regarding visibility and the scale of impact do, therefore, have to be questioned.*

*There also seem to be some inconsistencies within the submitted documentation which, in turn, raise concerns about the attention to accuracy and detail across the submissions. For example, the Planning Statement at 2.12 says:*

*The site, a mix of Grade 1, 2, subgrade 3a and subgrade 3b agricultural land, is located within the rural chalk downland on the Salisbury Plain and forms part of a special landscape area, typified by rolling and open downland topography forming a series of rounded hills, ridges and dry shallow valleys.*

*That indicates that the site is 'best and most versatile land' that should not, NPPF 175, be used for development.*

*However, the ES Appendix 8.1 Agricultural Land Classification indicates most of the field is grade 3b. However, that is not entirely logical as the text indicates that the grading is due to the wetness / droughtiness of the land but the grading tables show the primary reason for the low grades is the stoniness of the soil. That is to a considerable extent counteracted by the laboratory analysis of the submitted soil sample which shows the soil to be 90% fine particles [ $< 0.06\text{mm}$ ].*

*The proposal would add significantly to the extent of industrial development, effectively a substantial power station, in a Special Landscape Area and setting of an AONB. The decisionmakers should reflect on whether or not a proposal for an overall development, of the scale that would be achieved if the current proposal is approved, would be approved as a single large development now.*

Wiltshire Council Conservation Officer: No objection

*"Satisfied that the proposals would have no adverse impact on any listed buildings, conservation areas or undesignated built heritage assets. The potential for wider landscape impacts and views across the Plain deserve careful consideration by our landscape specialist."*

Wiltshire Council Archaeology Officer: No objection subject to condition.

*"I have agreed with the consultant that the area of archaeological interest (identified as Site 49 in Chapter 7: 'Historic Environment' of the document entitled 'Codford Solar Farm – Phase 4 – Environmental Statement' that is attached to the application) is to be included in the proposal, but on the proviso that a no-dig approach is adopted to this part of the solar field as an acceptable means of preserving the archaeology 'in situ'. This is conditional on the CEMP containing specific reference to the use of tracked mechanical plant in this zone, working in the area in dry conditions and the use non-intrusive panel fixings with all cabling above ground. The appointed archaeologist for the project will also undertake intermittent visits to monitor compliance. There will also be a need to provide an Archaeological Management Plan for the long-term management of the site, to include restoration of the land, should it ever necessary.*

*In regard to the construction of tracks, batteries and transformer storage areas of the solar field the topsoil stripping ahead of construction will be undertaken under direct archaeological control under a Strip Map and Sample (SMS) approach and any significant archaeological deposits excavated and recorded prior to installation of new facilities. There is no requirement for any archaeological monitoring of the panel installation nor the area to be used as a temporary construction compound which will not be soil stripped, but stoned-up for use.*

*In regard to the 'export' cable route. The construction technique for this part of the scheme is still uncertain, but impacts on the buried archaeology are considered low. The fall-back position will be that areas identified as being of archaeological potential will be monitored under an archaeological watching brief, unless the technique involves an 'unmonitorable' method.*

*As a result of these discussions, I would now advise that two conditions are attached to any planning permission that may be issued, one covering the provision of an Archaeological Management Plan (AMP), and one covering the proposed SMS excavation and possible archaeological monitoring of the 'export' cable route."*

Wiltshire Council Ecology Officer: No objection subject to conditions

*In reference to the email Planning Application ref: PL/2023/03024: Codford PV: Supplemental information, Date: 05/04/2024 13:43 The justification that "breeding bird surveys were not considered necessary given the large amount of bird data returned from the record search with WSBRC" is not supported. A large number of biological records for a species should indicate further surveys are required unless any potential impacts can be avoided.*

*The response from the RSPB and Natural England provides reasonable certainty that significant impacts to stone curlews will likely be avoided. The relevant construction phase surveys and avoidance measures will need to be secured by condition.*

*A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This concluded that, 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 SPA and Appropriate Assessment is not required.**

*Sufficient information has been submitted in the Landscape and Ecological Management Plan (LEMP) to determine this application however further detail is required, which will need to be conditioned.*

*Sufficient information has also been submitted in the Construction Environment Management Plan (CEMP) to determine this application, but a compliance report will be required and conditioned.*



Natural England: No objection

*With regard to the solar farm element of the proposals, we welcome the location which appears to avoid impacts on sensitive ecological receptors. Despite its proximity to Salisbury Plain SPA/SAC/SSSI we agree that adverse impacts on the stone curlew population are unlikely and may be screened out of further assessment.*

*All measures within the CEMP should be appropriately implemented to ensure impacts on protected species are minimised.*

*Natural England also welcome the biodiversity enhancements associated with the scheme, including native woodland and hedgerow planting. The final landscape scheme should be agreed by your authority's Ecology Team.*

Wiltshire Council Public Protection Officer: No observations to make.

Wiltshire Council Highways Officer: No objection subject to condition.

*In view of the accompanied Transport Statement, I confirm that access via Malmpit Hill is considered acceptable.*

## **8. Publicity and subsequent representations**

The application was advertised by:

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

No letters of objection or support received.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Any conflict identified with development plan policy must be attributed the appropriate weight in consideration of the planning balance. Section 19 of this Act also places a legal duty on development plan documents, taken as a whole, to include policies designed to secure development that contributes to the mitigation of, and adaptation to, climate change.

### 9.1 Principle of the Development

#### i) Renewable Energy

The principle of development is established by existing policy in the Core Strategy (CP42) where the development of 'standalone renewable energy installations', is supported 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. *Bio-diversity*
- v. *The Historic Environment including 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 the Western Wiltshire Green Belt, New Forest National Park, or the Stonehenge and Avebury World Heritage Site. It also not within an AONB or the setting of an AONB although the access route (and cable route) does pass through the AONB. The full landscape impact will be assessed in the next section of the report as will the impact on residential amenity.

The NPPF also supports the principle of development. Paragraph 157 of the NPPF states;

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

Paragraph 163 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 significant cutting greenhouse gas emissions;*

*b) approve the application if its impacts are (or can be made) acceptable”.*

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.

Officers repeat the advice given in the recent ministerial written statement that;

*“Similarly, we have seen our energy security threatened following Putin’s illegal invasion of Ukraine with the government spending over £40bn to pay up to a half of people’s energy bills. We are combatting this by racing ahead with deployment of renewable energy; nearly half of our electricity today is produced from renewables which is up from only 7 percent in 2010. Solar power is a key part of the Government’s strategy for energy security, net zero and clean growth.”*

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 42 of the Wiltshire Core Strategy (and emerging policy).

Wiltshire Council is carrying out a Local Plan Review. A suite of ambitious new and replacement policies to further reduce Wiltshire’s contribution to climate change and foster better community

resilience to impacts from climate change are part of the Review. The direction of travel is reflective of wider strategic policy already adopted by Wiltshire Council, such as the Wiltshire Climate Strategy, adopted February 2022. This builds on the Council's February 2019 resolution to acknowledge a climate emergency and subsequent commitment to seek to make the county carbon neutral by 2030.

In the evidence base for the Local Plan review, a research study by the LUC on renewables sets out a range of options that would need to happen in order to generate 80% of projected energy needs by 2050. It calculates that greenfield solar schemes will need to produce approximately 1530MW of further capacity in addition to roof mounted solar, hydro schemes, biomass schemes and wind turbines. By means of comparison the Lime Down Solar Park scheme in Chippenham (being considered under the National Infrastructure application process) would produce 500MW of power, slightly less than a third of the required estimate, which is itself only part of the overall required energy mix. Therefore, this proposal for 18MW will help to meet some of this demand, in a location, that despite its rural character, is not considered to be in an overly sensitive area.

For the avoidance of any doubt, the evolving Local Plan has not yet determined whether to set the above figures as policy, but as an evidence base it can be used as a material consideration in the determination of this application.

#### ii) Protecting Best Agricultural Land and soil survey

WCS CP42 (viii) already sought to protect the *best and most versatile agricultural land* but the 15 May 2024 Written Ministerial Statement goes further to state that;

*"Where the proposed use of any agricultural land has been shown to be necessary, poorer quality land should be preferred to higher quality land avoiding the use of "Best and Most Versatile" agricultural land where possible."* Officer emphasis added.

The LUC research sets out the scale of renewable energy requirements just for Wiltshire to be able to meet 80% of projected energy needs by 2050 and suggests that greenfield sites would likely need to contribute c1530MW of additional energy as part of the overall mix. As set out by the Climate Officer, it is highly unlikely that sufficient previously developed land, brownfield land or industrial land would be available at scale to achieve this. Therefore, the first part of the test "*where the proposed use of any agricultural land is shown to be necessary*" is considered to have been met.

Furthermore, approximately 85% of the site would not be the best agricultural land (comprising of grade 3b and grade 4 agricultural land). Officers also submit that it is not reasonable, or effective to retain the grade 3a separate from the solar farm, as it would be tucked in between two tree belts and would also reduce the potential MW output from a part of the application site that has the best screening. Therefore, it is further considered that the proposed use of agricultural land in the specific context of 3a grade land has also been shown to be necessary and that its not reasonable to exclude the 3a grade land from the application site.

Whilst it is unfortunate that approximately 3.4 hectares of grade 3a would be part of the application site, it is at least at the lowest end of the '*best and most versatile agricultural land*' scale (and not grade 1 or 2).

Furthermore, whilst permanent planning permission is sought, ground mounted solar panels would not indefinitely render the agricultural use of the land obsolete as the panels could be removed and the land brought back into use; effectively leaving the land fallow. Whilst other applications that this Committee has heard have granted temporary 40-year permissions (e.g. PL/2021/06112, *Land at Forest Gate, Pewsham, Chippenham*), it has to be noted in this context that solar phases 1-3 have not added temporary permissions but have added decommission conditions (which are

recommended in conditions 9 and 10). Should solar power become obsolete or no longer part of the required energy mix, the landowner has the option to decommission the solar park and return the land to agricultural use. The Construction and Environmental Management Plan (CEMP) details that the development should ensure that the soil quantity and quality is safeguarded during construction and de-commissioning phases.

In Chapter 8 of the applicants Environmental Statement (ES), "*Agricultural land*", it is confirmed that their assessment was carried out by a suitably qualified professional who is a Fellow at the British Society of Soil Science. The Council has also not appointed its own consultant to independently verify the applicants soil grading submission and submit that the 'independence' of the assessor can be relied upon. The ES further confirms that every hectare was sampled on a regular grid within the application site.

Officers duly acknowledge that the external National Landscapes Officer (for the Cranborne Chase area) challenges some of the reasons for the 3b classification:

*"However, that is not entirely logical as the text indicates that the grading is due to the wetness / droughtiness of the land, but the grading tables show the primary reason for the low grades is the stoniness of the soil. That is to a considerable extent counteracted by the laboratory analysis of the submitted soil sample which shows the soil to be 90% fine particles [ $< 0.06\text{mm}$ ]."*

Having been on the application site (and many times on the adjacent sites) the case officer can confirm that the fields have always been littered with fairly large stones. Whilst there is some concern over the soil sample to be 90% fine particles, it is not considered that these comments would warrant grounds in which to refute the conclusions of the submitted assessment. It should also be noted that approximately 15% of the application site was also found to be grade 4 agricultural land, to which the National Landscapes representative does not specifically challenge as being incorrect.

It is therefore submitted that approximately 85% of the application site is of poorer quality land and that this meets the Written Ministerial Statements instruction to protect the best and most versatile agricultural land where possible. It is submitted that losing 3.4 hectares of grade 3a agricultural land would not warrant the refusal of the application.

The specific testing of the 'grade 3' agricultural land was not carried out for solar phases 1-3 but given the findings of the tested land, Officers consider that it is not unreasonable to consider that similar ratios could have applied, potentially including grade 4 land (when the Council's own mapping system covers the whole solar phases 1-3 as being simply 'grade 3' agricultural land).

A recent appeal decision (28 May 2024) for a solar farm in West Somerset is of particular relevance as to how Local Authorities should assess the accuracy of applicant's soil quality surveys. The appeal is appended to this report and Officers submit that paragraphs 20-32 are key.

In paragraph 23 of the appended appeal the appellants submitted an Agricultural Land Classification (ALC) report where the soil's properties and profile at 63 locations across the site were examined using a Dutch (Edleman) soil auger. The report concluded that the site comprised of entirely lower quality grades 3b and 4 agricultural land and does not therefore comprise of "*best sand most versatile*" agricultural land.

Officers note that whilst the appeal had some conflicting information (paragraph 24) as to whether the appeal site was BMVAL, the Inspectorate concluded in paragraph 27 that evidence submitted by the appellant (the ACL) report would likely to be the most accurate.

In Paragraph 28 the Inspector further goes on to state that how agricultural land is used is not a matter subject to planning controls "*the specific way agricultural land is used is not a matter that is*

*subject to planning controls. For example, there would be nothing in planning terms to prevent the farmers and/or landowners<sup>6</sup> using the fields that form the appeal site solely for the grazing of sheep at present or even leaving them fallow.”* And that in paragraph 29;

*“the fact that the proposal would limit the ability to carry out any arable farming does not, in my view, mean that it results in the loss of agricultural land when it can still be used for other agricultural purposes...Furthermore, the proposal would not be detrimental to the soil quality, so a return to arable production at a later date would still be possible.”*

It is submitted that the same could apply to this application in that the land could still have some, albeit limited, agricultural use whilst the solar panels are in place and would not harm the quality of the grade 3a or 3b land.

Paragraph 30 states;

*“In terms of the 2024 WMS, I note that the Government has ‘heard concerns about the perceived inaccuracy and unfairness of soil surveys undertaken as part of the planning process for solar development’. However, in this instance there is no evidence that the soil surveys and the person(s) undertaking them were not suitably qualified – in this case they are members of the British Society of Soil Science – and as such I see no reason to doubt the veracity of the soil analysis and evidence undertaken by them.”*

This reaffirms Officers decision not to request or undertake a further independent analysis of the submitted ACL Report in chapter 8 ‘Agricultural Land’ in the Environmental Statement as the report has already been compiled by a qualified and independent professional;

*“Rob Askew, Director of Askew Land and Soil, a fellow (F.I.Soil Sci) of the British Society of Soil Science (BSSS) and a Chartered Scientist (CSci). Rob has over thirty years of experience in environmental research and consultancy, including the role as the past President of the institute of professional Soil Scientists (IPSS), which is now the professional practice committee of the BSSS.”*

### iii) Cumulative Impact of Solar Farms in Wiltshire

Officers duly acknowledge that this recommendation has come before Committee before the government has provided any further guidance following the WMS (and at the time of writing of this report the general election is underway). Therefore, Officers have provided their own analysis and consideration of cumulative impacts of solar farms in Wiltshire.

The WMS instructs Local Authorities to;

*“When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.”*

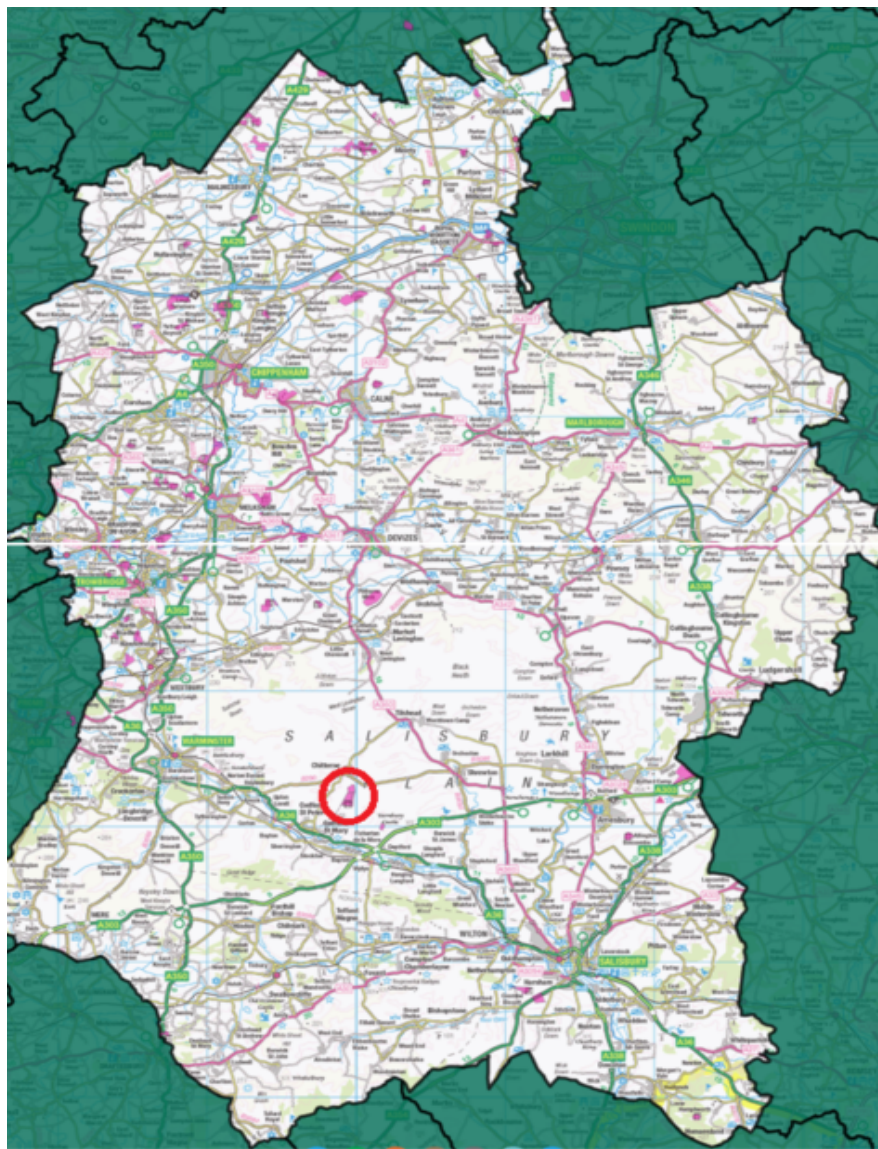
And Wiltshire Council’s motion raises concerns that;

*“Some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside. Wiltshire Council therefore calls on the Secretary of State for the Department of Levelling Up, Housing and Communities to define more closely what is meant by ‘cumulative impact’ regarding solar farms battery storage and associated infrastructure and to take clear steps to ensure that solar developments are more evenly spread across the UK and not concentrated in specific areas effectively industrialising the countryside.”*

The WMS refers to *'cumulative impacts of several proposals on the same locality'* and although 'locality' is not defined, Officers interpret this to mean being in close proximity or the same 'neighbourhood' to each other rather than being 'county wide'. This is echoed by Wiltshire Council's motion as it specifically mentions and offers a definition of its own in that *'some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside'*. Officers interpret that this means that the existing solar farms have only industrialised those specific areas of open countryside rather than the overall open countryside of Wiltshire.

The image below shows the locations and extent of each planning application for solar farms in Wiltshire (in pink) but doesn't distinguish whether those applications were approved or refused. However, it is understood that there are *'more than 40 working solar farms'* in Wiltshire. In addition to this application there are three other live solar farm applications;

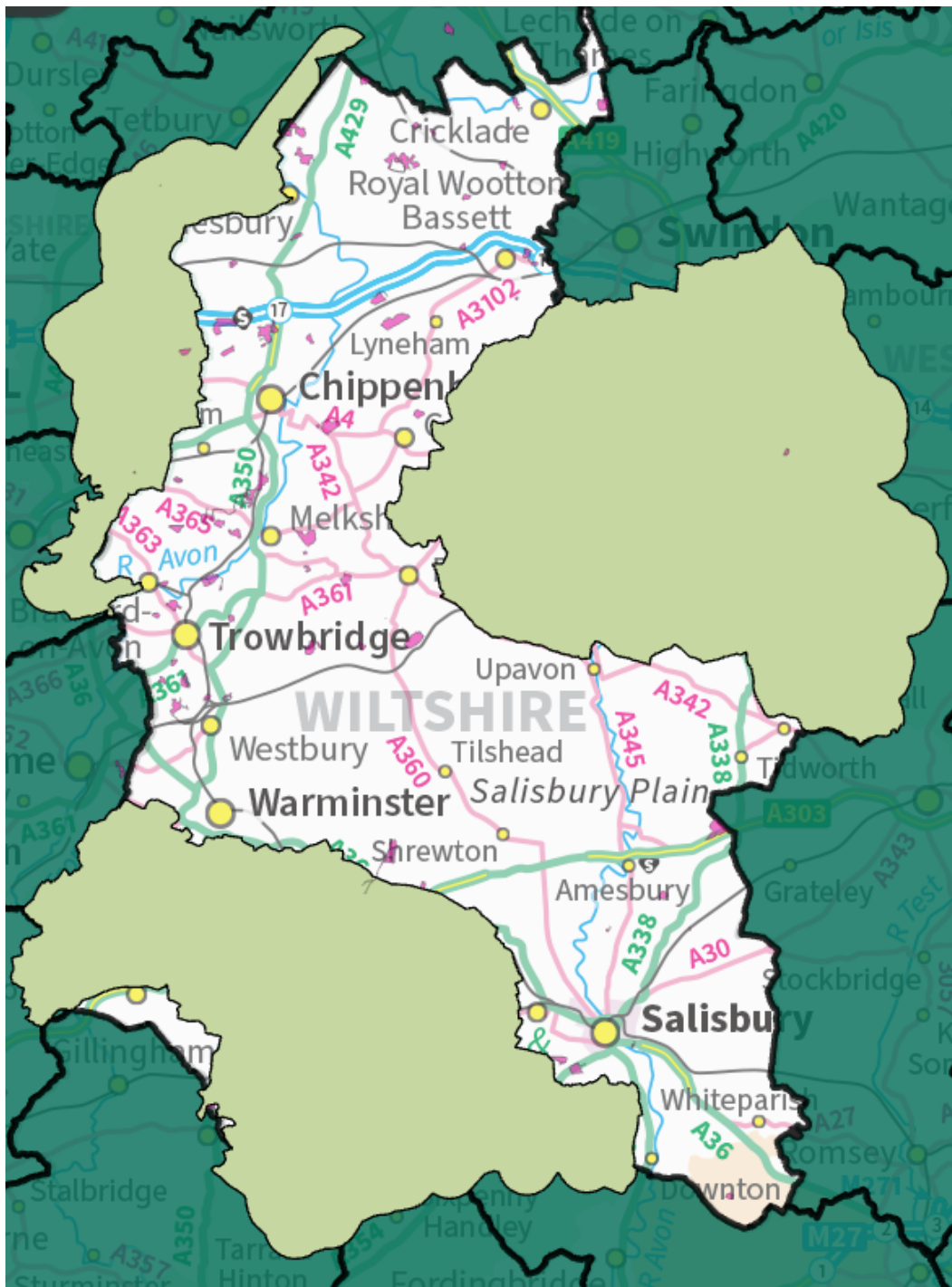
- PL/2023/08481 - Land at Red Barn, East of Kington St Michael, Chippenham – 40MW
- PL/2023/10394 - Land South of Salisbury Road, nr Homington, Coombe Bissett, Salisbury – 30MW
- PL/2023/10332 - Land South of Potterne Park Farm, nr Potterne, Devizes – 49.9MW



**Locations of all planning applications for Solar Parks in Wiltshire (Pink infill with the application site and phases 1-3 in the red circle)**

It is submitted that the majority of the solar parks are to the north and central western part of the County with very few sites in the east and in the south of the County. The application site is within the southern part of the County (as circled in red).

It is also submitted that one of the reasons as to why these locations within Wiltshire have been developed is due to the three National Landscape designations (formally Cotswolds, North Wessex Downs and Cranbourne Chase and West Wiltshire Downs), where the image below shows how they have effectively channelled the majority of existing solar parks into the space in-between. Officers note that there have been some permissions within the National Landscape Areas (given permission between 2012 and 2014).



Locations of all planning applications for Solar Parks in Wiltshire (Pink infill) with National Landscapes shown as light green

However, even with the National Landscape restrictions (and Salisbury Plain), the central south and south east part of the County has not had many applications for solar farms.

It is duly acknowledged that whilst the Council did require an Environmental Impact Assessment (EIA) for this application due to its cumulative impact on the landscape; this was only in the context of screening against the EIA regulations. The EIA regulations are not policy to be applied in relation to WCS core policies CP42 and CP51, or to the WMS and the Wiltshire Council motion.

It is also acknowledged that there has already been a fairly large 'industrialisation' of development adjacent to the application site but as will be discussed in the landscape section of the report, due to the fairly isolated location of the application site away from residential properties and with hard and soft landscaping, the actual impact on the landscape from the glasshouses and phases 1-3, on rural character has been acceptable.

It is submitted that that the southern part of Wiltshire has not seen 'several' applications in the 'locality' and that whilst this proposal would see the combined development of approximately 83 hectares, it would not have any discernible or harmful cumulative impact on the open countryside. Officers submit that the existing development has been successfully introduced into the countryside and that this proposal would also have very limited impacts on the landscape or on the character of the open countryside. The site is relatively well hidden and proposed woodland and hedge planting to help further screen phase 4 from CHIT13 and from views from the B390.

Therefore, the principle of development for this renewable energy scheme is considered to be supported. The lack of community objection by the Parish Councils or third-party representations at least suggests that there are no objections to locating this quantum and scale of development at this location and in addition to the existing solar development.

## 9.2 Impact on the Landscape and Cumulative Landscape Impact

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."*

Saved policy C3 of the West Wiltshire District Plan 1<sup>st</sup> Alteration 2004 states;

*"The landscape character of Special Landscape Areas \*The Salisbury Plain\* will be conserved and enhanced and development will not be permitted which is considered to be detrimental to the high quality of these landscapes."*

*Proposals for development essential to the social and economic well-being of the rural community or desirable for the enjoyment of its amenities will be permitted having regard to highways, access, scale, design, materials, location, siting, landscaping and other appropriate environmental considerations."*



For the avoidance of any doubt, the Saved C3 policy boundary covers the majority of the Salisbury Plain, extending to the eastern edges of Westbury and Warminster, extending to the eastern boundary of Tidworth and the northern boundary of Sailsbury.

Paragraph 180 of the NPPF states;

*Planning decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*

*b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

“Valued landscapes” is not defined in the NPPF and the NPPG does not provide guidance either. The post-amble to Saved Policy C3, sets out that *“in addition to the nationally important AONBs (national landscapes) a number of other parts of the District are recognised as being of County Wide landscape importance. The District Council values the landscape character as a local designation which complements the AONBs.”* Therefore, under this policy it could have been considered that the application site is a ‘valued landscape’.

However, Wiltshire Council’s Local Plan review Pre-submission draft 2023 recommends deleting saved policy C3 as the policy relates to the former district council special landscape areas which have been replaced by the Landscape Character Assessments and the Wiltshire Landscape Strategy. This ‘local designation’ therefore is due to be deleted, which would remove the above assumption that the application site should be considered as a ‘valued landscape’.

Furthermore, case law suggests that to be a ‘valued landscape’ a site should have ‘demonstrable physical attributes’ (Stroud v SoS). It is not considered that the specific landscape of the application site or its immediate surroundings has demonstrable physical attributes, and additionally to which little harm would be caused. The National Landscapes Officer concedes that the application site is not visible from the National Landscape boundary and would therefore have no impact on it.

It is submitted that even if Members were to consider the application site as a valued landscape (to which the Council’s Landscape Officer and National Landscape Officer have not claimed it to be a valued landscape) planning decisions should protect the landscape, to which it is submitted that this application would achieve.

The Council’s Landscape Officer offers no objection noting the Landscape and Visual Impact Assessment (LVIA) contained within the Environmental Statement. The LVIA acknowledges that there are many close distant views due to the public rights of way, but there are limited middle distance views and fewer long distance views (of over 3km towards the far eastern sections of the site). The LVIA also confirms the case officer assessment in the introduction that views from Chitterne and up the B390 are limited due to existing vegetation and ridges (and land contours).

As set out in the Landscape Officers consultation response, the immediate impact of phase 4 solar park would cause harm by virtue of the change of use from agriculture to a solar array. However, with the proposed landscaping strategy, the site would become screened in time, notably in views from CHIT13 and CHIT14.

Whilst it would take 8-10 years for the new landscaping to be fully realised, it would eventually reduce any close proximity impacts to ‘minor adverse’ with longer views reduced to ‘negligible’. It is also submitted that the new landscape woodland planting would be in character and in context of the existing woodlands that are of no distinct pattern or arrangement in this landscape. It should

also be noted that solar parks will be in situ for 25-40 years (potentially longer should they be needed for the future energy mix) meaning that the benefits of the proposed landscaping would be realised relatively early in the lifespan of the proposed development.

With regard to 'cumulative impacts', Officers submit that this needs to be considered in the immediate context of phases 1-3 (and anaerobic digester and glasshouses) but also on a County Wide level.

It is duly acknowledged that some Council's receive more applications than others leading to a potential concentration or 'clustering' due to being rural authorities – which according to [www.greenmatch.co.uk](http://www.greenmatch.co.uk) "*Solar farms are not evenly distributed across the UK. The South West region has the largest share of new solar photovoltaic (PV) capacity*". Furthermore, an article in the Independent states that 8 of the 10 largest solar parks in the UK were already in Wiltshire, with 42 in operation in the County <https://www.independent.co.uk/climate-change/news/wiltshire-james-gray-roman-b2522264.html>

However, the majority of these solar developments in Wiltshire are understood to have been in the Chippenham, Trowbridge and Melksham areas with relatively few in the southern part of the County. This is understandable given the Salisbury Plain and the Cranborne Chase and West Wiltshire Downs and North Wessex Downs National Landscape designations which would logically concentrate such developments into the spaces in between.

The application site therefore offers something of an opportunity to be able to locate this development (to which there is evidenced need for a lot more capacity by 2050 and to also secure energy security) without causing demonstrable harm to the landscape – and with no received public objections. Therefore, from a County wide cumulative impact perspective, it is not considered that this would add further to those experienced concentrations to which the Written Ministerial Statement is concerned.

In an immediate local context, the total amount of land that the digestion plant, glasshouse and the first three phases of Solar parks would amount to approximately 83 hectares, which is duly acknowledged to be a large area. However, the glasshouses and solar phases 1-3 are screened from the west by a large bund, of approximately 900m in length and is considered to be successful in merging into the wider landscape and from the landscaping that has been carried out on it.

Views from the eastern side along WYLY9 and WYLY1 of phases 1-3, are much more open as the landscaping has yet to mature, but even so it is not considered that even with the overall size of the existing phases, that the scheme causes demonstrable harm to the landscape. The view below illustrates how the solar panels are dark and assimilate reasonably well into the naturally dark background of the woodland areas behind and surrounding the site.



***View from WYLY1 looking south with Phase 3 to the right with the anaerobic facility in the woodland behind***

However, solar phases 1-3 and the glasshouses were all contained within the confines of a very large single field; to which the topography and existing (and implemented) landscape features helped to mitigate the development into the wider landscape. It is noted, however, that this proposal breaks out from the original field boundary and across an access track (which is shared with CHIT14) and into a field that then slopes down the northern side of Clay Pitt Hill. Despite this it is submitted that the impacts on the immediate and wider landscape would be similar to the relatively successful introduction of phases 1-3 and the glasshouses and that existing landscaping and the topography of the site naturally helps to screen the medium and long distance views into the site. Officers also note that there are few, if any, residential buildings that are able to see the site.

Despite the 'cumulative impacts' of the four solar phases being deemed to be EIA development, the impact that would be caused to the landscape and residential receptors would be very limited.

### 9.3 Impact on biodiversity

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 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 180d). For the avoidance of any doubt, this application is exempt from having to deliver 10% net biodiversity gain due to having been submitted long before the cut off date.

The Council's Ecology Officer has carefully considered the application to which they have carried out a Habitats Regulation Assessment and concluded that there would be no likely significant impacts on the Stone Curlew/Salisbury Protection Area and that an Appropriate Assessment is not required. Therefore, Natural England do not need to be re-consulted as there is no Appropriate Assessment in which to consider.

The Council's Ecology Officer is also satisfied that the application would deliver a bio-diversity net gain.

#### 9.4 Impact on neighbour amenity

The proposal would not cause any harm to neighbouring amenity, however, during the construction period all vehicles would use Malmpit Hill in Codford to access the site. There are 4 houses on Malmpit Hill which have endured the construction vehicles of phases 1-3 and of the glasshouses.

Malmpit Hill also has the daily anaerobic digester traffic which is understood to be 50 vehicle movements per day from 07:00 on weekdays (Mon to Fri) and 12 movements on Saturdays. The glasshouses are conditioned to only operated between 0730 to 1800 Monday to Friday and 0900 to 1500 Saturday and Sunday, with the total number of HGV movements limited to 4 movements per day for no more than 4 days in any given week.

It is duly noted that these houses will again be affected by construction traffic but officers submit that the construction period would be limited and normal frequency of traffic would resume once complete. Officers also investigated the possibility of a condition that banned the use of Malmpit Hill for construction traffic, but unfortunately Malmpit Hill's connection onto the A36 is the most efficient route for construction vehicles. To divert construction traffic to a northern access from the B390 or from Codford Road, would require either a lengthy diversion and having to drive through Codford and potentially Chitterne, which would be less desirable from a construction point of view but would also affect more residential properties in the process. Additionally, as a more logical route is available (i.e. via Malmpit Hill), and with the daily anaerobic digester and glasshouse movements, enforcing any such condition would not be possible.

#### 9.5 Impact on designated heritage assets and Archaeology

The Council's Archaeology Officer requested a geophysical survey and trial trench evaluation of the proposed solar panel field and for the cable route in the ENQ/2022/00444 preapp. These investigations have recorded the presence of a substantial settlement site dating from the Iron Age (c.700BC - AD43) on the site of the proposed solar farm. As a result, a 'no-dig' approach is required in this part of the site as an acceptable means of preserving the archaeology in situ.

Furthermore, the Council's Conservation Officer has no objections stating that they are "*satisfied that the proposals would have no adverse impact on any listed buildings, conservation areas or undesignated built heritage assets*".

#### 9.6 Flood Risk and 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.

It is recognised that solar farms are considered to have a relatively low risk in relation to their contribution to surface water flooding, and that surface water flood risk mitigation measures should be in place. It is acknowledged that the site does not fall within a flood plain and is located in Flood Zone 1 which is the lowest designation of flood zone and one wherein development such as that proposed is acceptable in principle.

The application site is also not subject to surface water or groundwater flood risk (with the 2019 Strategic Flood Risk assessment finding that ground water level is at least 5 metres below ground surface).

The submitted Flood Risk Assessment states that surface water will be managed by swales and infiltration and the current greenfield run off levels will be maintained. Furthermore, with the additional woodland and hedgerow planting, this would help absorb surface water from the site.

#### 9.7 Community Infrastructure Levy (CIL)

The proposal is not CIL development.

### **10. Conclusion**

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 and Wiltshire's own commitment to being carbon neutral by 2030.

The government's energy security strategy, published in April 2023, contained various measures to deal with the UK's energy crisis and achieve its net-zero targets, including a pledge to ramp up solar power capacity from 14 gigawatts (GW) to 70GW by 2035. To further underline this the Climate change act 2008 (2050 Target Amendment) Order 2019 raised the duty of the Secretary of State to ensure that the net UK carbon account for the year 2050 is at least 100% lower than the 1990 baseline (previously 80%).

It is considered that the principle of the proposed development is in accordance with current national and local planning policies, which are supportive of renewable energy schemes. The proposal is a large scheme that would provide a valuable contribution towards cutting greenhouse gas emissions. This attracts considerable weight in the overall planning balance, along with other benefits such as the ecological enhancements and biodiversity net gain that would be secured by the development, and associated local economic benefits associated with the construction phase. Wiltshire Council's motion also confirms that the Council is "... *not opposed to the principle of the development of solar farms in line with the National Planning Policy Framework*".

There is the potential for an effect on the landscape which is not unsurprising given that national and local policy recognise that large scale solar farms may result in some landscape and visual harm. However, in this instance the topography, existing screening and proposed landscape mitigation would lead to very limited and highly localised landscape and visual effects, and these would be progressively mitigated by additional planting. These factors lead to the conclusion that the proposal would not conflict with local or national policy.

It is also submitted that the proposal would not be in conflict with either the Written Ministerial Statement (WMS) or the Wiltshire Council Motion. As confirmed by the Climate Change Officer it is unlikely that rooftop solar panels alone would not meet the MW requirement and it's also considered unlikely that sufficient previously developed land would be found at scale. Therefore, it's not 'possible' in this instance to find alternatives to agricultural land. The accuracy and independence of the ACL report and the findings of the agricultural grades is accepted as being accurate, meaning that approximately 85% of the application site does not propose using "*best and most versatile*" land. Whilst it is unfortunate that 3.4 hectares of grade 3a land is proposed to be used it is not considered reasonable or practicable to exclude this from the scheme given its relatively small size and being located next to woodland belts which would restrict access. Additionally, by removing the grade 3a land would reduce the MW output, from a location that benefits from the best screening when viewed from the public rights of way and wider landscape.

Whilst it is duly acknowledged that there would be immediate local cumulative impacts from the development this site has seen, it is submitted that the existing (and proposed) development has

integrated well into the landscape and has not caused undue harm. The lack of objections to this application emphasises the success of the existing development in this regard. Whilst there is no definition of '*locality*' from the WMS, it is understood to mean as being in the 'same neighbourhood' rather than being County wide; and Wiltshire Council's motion echoes this with "*some villages are surrounded by solar farms*". Therefore, it is understood that Wiltshire Council's concerns relate to several applications being located in the immediate same area.

The southern part of Wiltshire has not had the same level of solar development as seen in the central and northern areas. It is submitted that it cannot be reasonably concluded that there has been a harmful 'cumulative impact' in this part of Wiltshire and that the proposal would cause a harmful impact either 'locally' or on the general industrialisation of the countryside in Wiltshire.

Independent resources confirm that ground-mounted solar panels currently cover just 0.1% of all land in the UK. Further, even with government plans to significantly scale up solar in line with its net-zero target, it is expected to bring this up to just 0.3% of the UK land area. This is the equivalent to around 0.5% of the land currently used for farming and roughly half of the space taken up by golf courses.

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 considered that the acknowledged benefit of the additional planting, which would remain after the end of the limited period, should be accorded significant weight and accordingly the unchallenged Biodiversity Net Gain is a further significant benefit that is accorded weight in this scheme.

It is acknowledged that during the construction period there could be some conflict between the existing residents on Malmpit Hill and any 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. No harm would be caused to other designated heritage assets.

Whilst the scheme will lead to a small degree of very local and short-term negative impact on the landscape, the impact must be balanced by the benefits which would accrue from a renewable energy generator leading to less reliance on carbon. The proposed development would make a significant contribution towards Wiltshire's renewable energy target and as such it is considered that the overall environmental, economic and social benefits associated with the proposal outweigh any limited harm.

It is therefore considered that on balance the public, environmental and economic benefits of the proposal outweigh the limited harm identified. It is therefore recommended that the application is granted permission subject to conditions.

## **RECOMMENDATION –**

**Having taken into account the environmental information, it is recommended to grant full planning permission subject to the conditions set out below:**

## CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

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

Environmental Statement - Non-Technical Summary

Environmental Statement - Chapters 1-5

Environmental Statement - Chapter 6 Landscape and Visual Impact Assessment

Environmental Statement - Chapter 7 Historic Environment

Environmental Statement - Chapter 8 Agricultural Land

Environmental Statement - Chapter 9 Conclusions

Environmental Statement - Appendix 1.1 Scoping Report

Environmental Statement - Appendix 1.2 Scoping Opinion

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

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

Environmental Statement - Appendix 7.1 Historic Environment Assessment

Environmental Statement - Appendix 7.2 Cable Route (Scoping Report)

Environmental Statement - Appendix 7.2 Archaeology Trial Trenching

Environmental Statement - Appendix 8.1 Agricultural land Classification Report

Environmental Statement - Photo sheets 1-19 Viewpoint Photography

Design and Access Statement

Habitat Regulations Assessment (Stone Curlew), Date: 10/05/2023 by Daniel Ahern Ecology

Habitat Regulations Assessment (River Avon) Date: 10/04/2023 by Daniel Ahern Ecology

Transport Statement

Ecological Impact Assessment Phase 4 - Codford Solar Farm, Date: May 2023 by Daniel Ahern Ecology

Preliminary Ecological Appraisal of Land South of Chitterne – Cable Route, Date: November 2022 by Daniel Ahern Ecology

Preliminary Ecological Appraisal Version 1.0 – dated September 2021- Daniel Ahern Ecology

Bio-diversity Metric Calculations Tool 131223 (1) 4367 & (2) 4367

Flood Risk Assessment and Drainage Strategy

Site Location Plan (AEM018-SP-01\_rev04); PV panel Cross Section (AEM018-SD-01\_rev05);

Typical PV Panel Cross Section (AEM018-SD-02\_rev01); Container Elevations (Battery Transformer and Customer Switchgear (AEM018-SD-03\_rev03); Internal Access Track (AEM018-SD-04\_rev01); Cable Route Plan (STR\_20.22\_PV4 Rev 2); and Deer Fence Detail (252 – 3) -all received 10 May 2023

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

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

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

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

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

3. No development shall commence on site until an updated Landscape and Ecology Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

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

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

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

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

5. No development shall commence on site until:
  - a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

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

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

6. No development shall commence on site until a Construction Method Statement, which shall include the following -
  - the parking of vehicles of site operatives and visitors;



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

shall be submitted to, and approved in writing by, the Local Planning Authority.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved Statement without the prior written approval of the Local Planning Authority.

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

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

7. The development shall be carried out in strict accordance with the following documents:
  - Construction Environment Management Plan Including CTMP, Land south-east of Chitterne Dairy, Date: 28.04.24 by Chapman Lily Planning Ltd
  - Letter: Re: response to RSPB comments on Planning Application ref: PL/2023/03024, by J M Stratton & Co. Planning portal file name: "CEMP addendum App.B"

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

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

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

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

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

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

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

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

REASON: In the interests of conserving biodiversity.

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

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

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

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

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

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

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats.

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

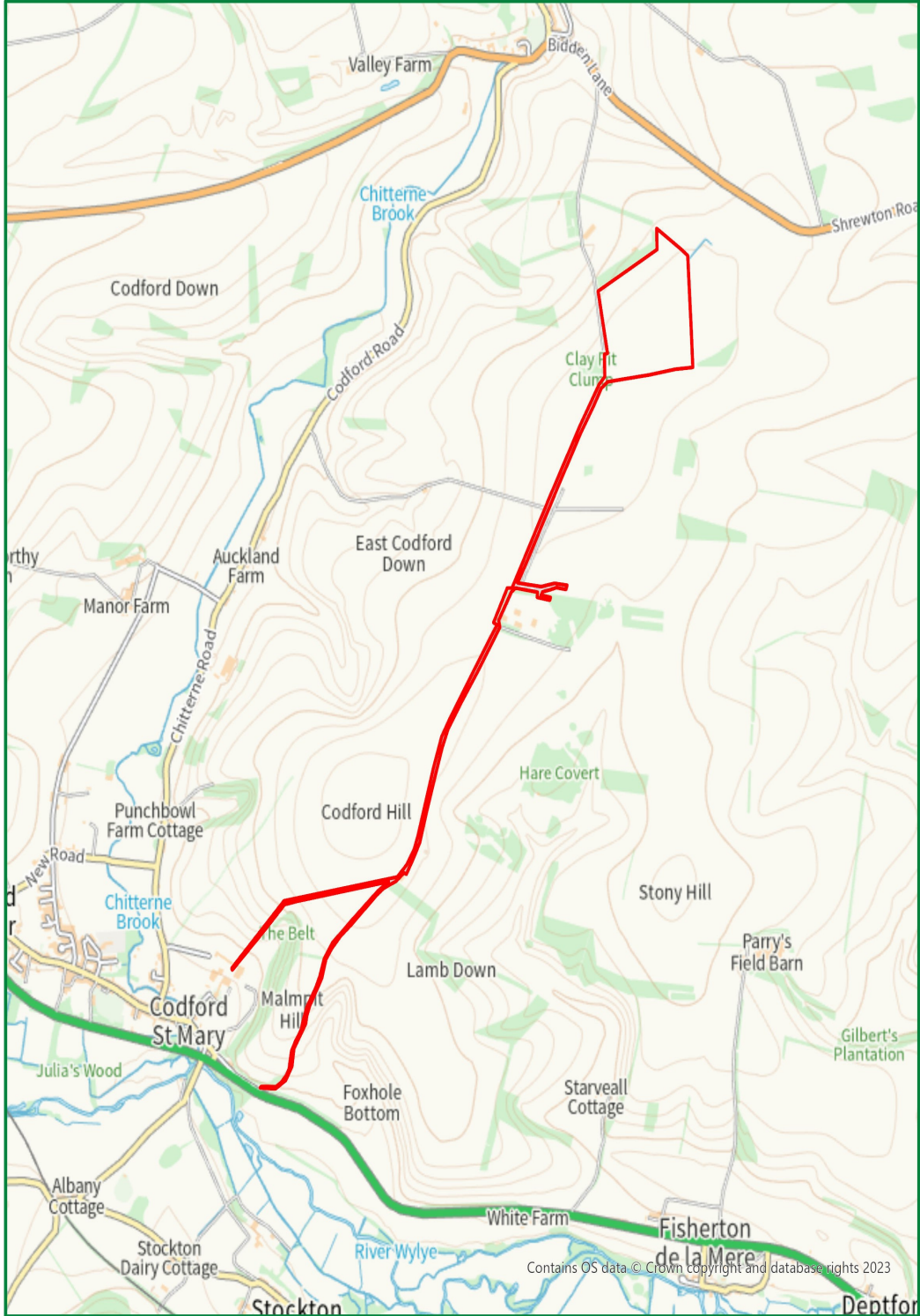
0730 to 1800 Mondays to Fridays; and at no times on weekends or bank holidays

REASON: In the interests of neighbouring amenity.

**INFORMATIVE:**

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

This page is intentionally left blank



Contains OS data © Crown Copyright and database rights 2023

1:24,000



398749E 141221N m

© Crown Copyright and Database Rights 2024 Ordnance Survey Licence No

This page is intentionally left blank

---

# Appeal Decision

Site visit made on 30 April 2024

**by Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 May 2024**

---

**Appeal Ref: APP/E3335/W/24/3337226**

**Land North of Transmitting Station, Washford, Watchet, Williton, West Somerset, TA23 0JD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Elgin Energy EsCo Ltd against the decision of Somerset Council.
  - The application Ref is 3/39/21/028, dated 24 November 2021 and refused by decision dated 31 July 2023.
  - The development proposed is Installation of a ground mounted solar farm, battery storage and associated development.
- 

## Decision

1. The appeal is allowed and planning permission is granted for the installation of a ground mounted solar farm, battery storage and associated development at Land North of Transmitting Station, Watchet, Williton, TA23 0JD in accordance with the terms of the application, Ref 3/39/21/028, subject to the conditions in Appendix A.

## Procedural Matters

2. The proposal was screened by the Secretary of State with regard to *The Environmental Impact Assessment Regulations 2017*. In their letter, dated 17 April 2024, the Screening Direction considered that the proposal is not 'EIA development'. I see no reason to disagree with that Direction, and have proceeded on this basis.
3. On 15 May 2024 the Written Ministerial Statement '*Solar and protecting our Food Security and Best and Most Versatile (BMV) Land*<sup>1</sup> (the 2024 WMS) was made in Parliament. Both the Local Planning Authority and Appellant were given an opportunity to address any matters arising from the WMS.

## Main Issues

4. Taking into account the Council's Decision Notice, the representations made and all the evidence before me, I consider that the main issues are:
  - The effect of the proposal on the character and appearance of the area, and;
  - Whether the proposal would result in the unacceptable loss of Best and Most Versatile Agricultural Land (BMVAL), and;
  - The effect of the proposal on heritage assets.

---

<sup>1</sup> <https://questions-statements.parliament.uk/written-statements/detail/2024-05-15/hcws466>  
Statement UIN HCWS466

## Reasons

### *Character and appearance*

5. Policy NH5: Landscape Character Protection of the *West Somerset Local Plan to 2032* (adopted 2016) (LP) sets out that *'Within the identified landscape character areas ... development should be located and designed in such a way as to minimise adverse impact on the quality and integrity of that local landscape character area.'*
6. Policy NH14: Nationally Designated Landscape Areas of the LP sets out that *'Major development proposals within the Quantock Hills Area of Outstanding Natural Beauty will be determined in accordance with national planning policy. Where development is likely to affect the Quantock Hills AONB or Exmoor National Park, regard will be had to their statutory purposes. Applications for development should have regard to location, siting, orientation and landscaping to achieve high quality design and to ensure that the proposals conserve or enhance the natural beauty, wildlife, cultural heritage and tranquillity of the AONB or the National Park and their settings. Development which would conflict with the achievement of the statutory purposes of the AONB or the National Park, or their settings or which would adversely affect the understanding or enjoyment of the National Park's special qualities, will not be permitted.'*
7. The appeal site is located to the northeast of Washford and the A39 with the B3190 to the east. To the north of the site lies the access road to Kentsford Farm. To the east lie agricultural fields, Crossyard Business Park and Washford Transmitting Station with the B3190 beyond. Further to the east is the Quantock Hills Area of Outstanding Natural Beauty<sup>2</sup> (AONB). This is considered to have a 'setting' which is broadly defined within the *Quantock Landscape Partnership Scheme Landscape Character Assessment Final Report February 2019*. This 'setting' does not appear to be replicated on the Policies Map for the LP.
8. To the south lie agricultural fields and the village of Washford. To the west of the site are agricultural fields and the course of the Washford River which flows from south to north entering the Bristol Channel at Watchet. On the opposite, western side of the Washford river is a footpath which follows the course of the old Mineral Line railway. There are no Public Rights Of Way (PROWs) within the appeal site.
9. The appeal site is not located within the Exmoor National Park nor is it located within the Quantock Hills AONB. It is also not located within a locally identified 'setting' for the Quantock Hills AONB. The proposal would not, therefore, have a directly adverse effect on these designated landscapes in themselves. The special qualities of the Exmoor National Park, which include the distinct and diverse landscape of softly rounded hills and ridges, a landscape mostly free of intrusive development such as major roads, power lines, quarrying and light pollution, and a mosaic of habitats supporting a great diversity of wildlife will not be directly affected by the proposal<sup>3</sup>. Accordingly, I find that the special qualities of the Exmoor National Park will not be adversely affected by the proposal.

---

<sup>2</sup> Areas of Outstanding Natural Beauty (AONB) are also now known as 'National Landscapes', albeit this name change is not reflected within local planning policy or many parts of national policy or legislation. To avoid confusion I have adopted the familiar term AONB as used in the local plan.

<sup>3</sup> See Appellant's Appendix I (i Part 1) pages 26 to 27



10. Turning to the indirect potential effects, the Appellant has submitted a Landscape and Visual Impact Assessment (LVIA) together with an Addendum to it. The Addendum provides further viewpoints and photo viewpoints showing the proposed development and the wider context. It is possible to see that the proposal would be situated within a mixed and managed landscape. Whilst there is a predominance of what most people would recognise as 'countryside' visible within the views, this predominates towards the fringes of the site to the east and west respectively, where the Exmoor National Park and Quantock Hills AONB are located.
11. Beyond and outside of these designated areas, there are a number of visual features within the landscape including the settlements of Williton, Watchet, and Washford. It is also possible to see manmade features in the form of the tall Radio transmitting towers at Washford, which are a dominant technological landmark within the countryside, and Hinkley Point Power Stations located a few miles away to the west.
12. I acknowledge the various objections and concerns raised by local residents and also by bodies such as the Exmoor National Park Authority. The latter who have reiterated s245 of the *Levelling Up and Regeneration Act 2023* in terms of the duty to seek to further National Park purposes<sup>4</sup>.
13. Clearly, the insertion of a solar farm with associated infrastructure into what are currently agricultural fields used for pastoral and arable farming, will change their character and appearance for a period of around 40 years. There would be some change in character in comparison to arable farming, with solar and pastoral farming taking place.
14. However, I concur with the assessment of the LVIA in that the views from within the National Park and AONB would not be significantly impacted by the proposal. This is because such views would not only be mitigated through the use of sensitive landscaping within the appeal site over its lifetime, which could be reasonably secured by condition, but also because the proposed development would be viewed within the wider landscape. Most viewers would see the proposal as a tiny part of a kinetic experience when travelling through the AONB and/or National Park rather than as a visually dominating feature within the landscape. Furthermore, when seen from limited viewpoints within either the National Park or AONB, most viewers are likely to feel a heightened sense of 'specialness' of those designated landscapes themselves and their importance which, in the main, are devoid of modern developments.
15. I undertook an unaccompanied site visit on Tuesday 30 April 2024 to view the site from various locations. I was able to see the many views from the local highway network, along roads such as the A39, Washford Hill (the B3190) and Cleve Hill, are obscured. This is not only because the development itself would be located a distance away from these highways, but also due to the fact for large stretches of these roads they are lined with dense hedging of a height that prevents car drivers or passengers sight of the appeal site. Together, with the undulations in the landscape, means that for most road users (and passengers) there would be limited-to-no views of the proposal. As such, I do not find that

---

<sup>4</sup> Pursuant to the Planning Inspectorate as a 'relevant authority' in accordance with section 11A of the National Parks and Access to the Countryside Act 1949. Thus, it has a duty to seek to further National Park purposes, of conserving and enhancing the natural beauty, wildlife and cultural heritage of the national parks; and of promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.

proposal would have an adverse effect on the character and appearance of the area in this respect.

16. I note that there is a Public Right Of Way (PROW) which runs along the railway line to the west. This is located some distance from the site, with intervening Washford River and fields separating the site from the footpath. Given the ensuing vegetation along this path and the vegetation forming the field boundaries and proposed as part of the landscaping of the site, I do not find that the proposal would have an adverse effect on the users of this footpath.
17. Accordingly, I find that the proposal would promote the understanding and enjoyment of the Exmoor National Park including its multiple special qualities. For similar reasons, I find that the setting of Quantock Hills AONB – in its broadest sense and beyond that identified locally – would not be adversely affected by the proposal.
18. Lastly, when considering the proposal in more general character and appearance terms, whilst I note that it would be visible from various viewpoints by users, such as walkers, it is mitigated in part by existing vegetation or the undulating landform and there are suitable and appropriate ways in which it can be appropriately mitigated. As such, I conclude that the proposal would not have an adverse effect on the character and appearance of the area. It would not, therefore, conflict with Policies NH5 and NH14 of the LP which seek the aforesaid aims.
19. I also find that the proposal would accord with the Policies of the *National Planning Policy Framework* (the Framework) which include Paragraphs 180 to 184, in relation to development within National Parks and AONBs, and to Paragraph 180 in relation to recognising the intrinsic character and beauty of the countryside.

#### *Agricultural Land*

20. Policy NH8 of the LP requires that the best and most versatile agricultural land (grades 1, 2 and 3a) will be protected from significant development proposals. The 2024 WMS reiterates national policy, including highlighting that food security is an essential part of national security. It also sets out information in respect of cumulative impacts, soil surveys and supporting solar on rooftops and brownfield sites.
21. Local tenant farmers, who farm parts of the appeal site, have submitted a report undertaken in June 2018 by Luscombe Maye. The report indicates it was for the 'sole purpose of the assessment of the land in relation to its suitability for solar development'. The report summarises that 'it is considered that the land at Washford is an example of some of the better quality arable land in this area of West Somerset.' This appears to be an assessment made on the basis of a site inspection and desktop research, with the ALC map indicating the site comprising mainly Grade 2 agricultural land (within BMVAL). However, given the limited remit of the report, as indicated above, and the fact that the analysis and assessment is based on little more than a walk-over of the fields and high level ALC maps from the 1980s, I afford this report little weight in this case.
22. CPRE Somerset submitted a document called the Soil Site Report – Extended Soil Report Kentsford, dated 28 Jan 2022. However, this report is for personal use, and appears to be based upon a desktop assessment as part of the

National Soil Map for England and Wales, produced by Cranfield University's National Soil Resources Institute. Yet, the report offers no detailed analysis of the appeal site itself. Instead it is around 80 pages of perhaps interesting soil groups, but it adds little to understanding the agricultural land classification of the site. This report is therefore afforded little weight in this instance.

23. Lastly, the Appellant has submitted an *Agricultural Land Classification (ALC)* report<sup>5</sup>, dated September 2018 following survey work in November 2017. This survey work included a soil investigation in accordance with the '*Agricultural Land Classification of England and Wales: Revised Guidelines and Criteria for Grading the Quality of Agricultural Land*', October, 1988. During this assessment, the soil's properties and profile at 63 locations across the site were examined using a Dutch (Edleman) soil auger. Two soil pits were hand dug. Top soil samples from six auger locations were sent to a laboratory to determine the definitive texture class of the topsoil; including to distinguish between medium clay loams, heavy clay loams and clays. The report goes on to conclude that:

*'the detailed ALC survey work undertaken identifies that the Site comprises entirely lower quality Grades 3b and 4 agricultural land. The Site therefore comprises no "best and most versatile" agricultural land and the proposed development would not significantly harm agricultural interests...'*

24. With concerns raised by local farmers, who indicated that the Appellant's ALC report did not appear to accurately reflect the grade of the land (including the rates they were paying which regarded the land as higher than Grades 3b and 4), the Council appointed Mott Macdonald to independently review the Appellant's ALC report. On the basis of this review, the Local Planning Authority considers in their Appeal statement that '*there may be areas of the site that can be classified as Grade 3a*'.
25. This evidence presents a conflicting picture. Soil samples from the site indicate that the site comprises 'entirely lower quality Grades 3b and 4 agricultural land'. However, I recognise that the ALC process is based on more than soil samples. Factors such as soil wetness and flooding are also factored into the equation. Moreover, changes in the weighting of these factors have the potential to alter the overall Grade of the land.
26. At the same time, the national maps for ALC from the 1960s-80s, which although not showing detailed site specific information, indicate that the land could be within the category of BMVAL. This view is fortified by the fact that local farmers, who have farmed the land for some time, attest to its bountiful harvest over the years. Whilst not a scientific measure in the way soil samples can be, this is important local knowledge that should be considered in informing a decision.
27. Taken in the round, I am nonetheless persuaded by the evidence of the Appellant in this instance. This is because even though it has limitations, it is based upon more than a walk over of the field as undertaken by Luscombe Maye or a desktop assessment of soils as undertaken by Kentsford (CPRE Somerset). Whilst I acknowledge the local knowledge of farmers and the limitations inherent within the number of soil samples taken and then analysed at the

---

<sup>5</sup> With their Statement of Case, Appendix E (viii)

laboratory, I find that the evidence before me points towards the site not comprising land that falls within the category of BMVAL in this case.

28. At the same time, it is important to note that the appeal site is to be used for pastoral farming as well as solar 'farming' – the latter not being an agricultural use. I also note the concerns raised by interested parties that the productivity and versatility of the land would be reduced. Nonetheless, the specific way agricultural land is used is not a matter that is subject to planning controls. For example, there would be nothing in planning terms to prevent the farmers and/or landowners<sup>6</sup> using the fields that form the appeal site solely for the grazing of sheep at present or even leaving them fallow.
29. Given this, the fact that the proposal would limit the ability to carry out any arable farming does not, in my view, mean that it results in the loss of agricultural land when it can still be used for other agricultural purposes. As such, the proposal would not result in either the temporary or permanent loss of BMVAL as the land would continue to be used for some agricultural purposes whilst also being used to produce solar energy. Furthermore, the proposal would not be detrimental to the soil quality, so a return to arable production at a later date would still be possible.
30. In terms of the 2024 WMS, I note that the Government has '*heard concerns about the perceived inaccuracy and unfairness of soil surveys undertaken as part of the planning process for solar development*'. However, in this instance there is no evidence that the soil surveys and the person(s) undertaking them were not suitably qualified<sup>7</sup> – in this case they are members of the British Society of Soil Science – and as such I see no reason to doubt the veracity of the soil analysis and evidence undertaken by them.
31. Accordingly, I find that the proposal would not result in the unacceptable loss of Best and Most Versatile Agricultural Land. It would therefore accord with Policy NH8 of the LP which seeks to protect BMVAL from significant development.
32. For similar reasons, I also find that the proposal would be in accordance with the broad thrust of national Policy and Guidance relating to such matters. For example, it would accord with Footnote 62 of the Framework in that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality (as part of Paragraph 181). It would also accord with the 2024 WMS in relation to solar and protecting our food security and Best and Most Versatile Agricultural Land.

#### *Heritage assets*

33. Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, as amended, requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the Secretary of State shall have special regard to the desirability of preserving the building or its setting.

---

<sup>6</sup> This does not impinge on how a tenant farmer may or may not use the land; rather it is to make the point that in planning terms how land is farmed is not controlled by the planning system. The tenancy itself is a separate (and private) matter from planning controls between the parties involved. I consider the tenancy aspects within the Other Matters section of this decision.

<sup>7</sup> In this case, they are members of the British Society of Soil Science and I see no reason to doubt the applicability of this professional body here.

34. Historic England, the government's adviser on the historic environment, provide comments to the application in March 2022 and January 2023. They, together with other consultees, identify that the proposal is within what they consider are the setting of a number of designated heritage assets.
35. This includes Daws Castle to the north of the proposal, Battle Gore round barrow Cemetery to the east and Cleeve Abbey to the south. These are all Scheduled Monuments. There are also a number of listed buildings which Historic England identify the settings are affected by the proposals, including the Grade II\* Listed Building Kentisford Farmhouse around 27 metres to the north-west from the proposed site, and the Grade I Listed Church of St Decuman to the north, which also includes a Scheduled Monument cross within the church yard.
36. Historic England consider that the proposals are harmful as a result of the marked change from a rural landscape to a large industrial development with fields of PV panels and associated infrastructure. The changes that would bring to the historic rural landscape which forms part of the setting of the heritage assets above would result in harm in these views and to the significance derived from the setting of this historic landscape. This would result in harm of a less than substantial magnitude, which should nonetheless be afforded great weight.
37. In considering the points raised by Historic England, I have dealt with broader character and appearance matters earlier in this decision. My focus here is on the potential harm to heritage assets through changes to their settings. In this respect, I concur that the proposal would alter the context of how various heritage assets are experienced. This would be especially so for those sharing a close proximity to the appeal site and/or a historic connection – through use or experience. The Grade I listed building of St Decuman's Church for example, would have its existing rural setting partly eroded through the introduction of pastoral and solar farming in fields located a short distance to the south.
38. There are other assets identified, such as the pre-historic barrow at Battle Gore which is a Scheduled Monument, where the setting is more ambiguous. The Appellant has submitted a response from Foundations Heritage dated 24 February 2023, provided by a Member of the Chartered Institute for Archaeologists. This response details that Historic England do not comment on how the setting contributes to the setting of that scheduled monument. The response goes on to detail how such settings are usually connected with the ritual site itself and their contribution marking boundaries along with the construction of new social hierarchies.
39. In light of this, it is unclear as to how the proposal would result in harm to the setting of this asset beyond the fact it lies within a distance of the appeal site. The Appellant's ascribes negligible effect on setting to this asset at worst. I see little reason not to concur with that assessment given that 'setting' for some heritage assets in this case appear to have been sometimes mistakenly conflated with visual amenity.
40. Nevertheless, taken in the round, I agree that the proposal would result in harm to the setting of nearby heritage assets through changes in their context arising from the proposal. This would be harm that falls into less than substantial harm category set out in the Framework; albeit to articulate this harm further, as suggested by the national Planning Practice Guidance, this harm would be towards the low end of the less than substantial scale.

41. This is because, as a matter of planning judgment, I consider that the proposal would not result in any changes to the fabric of any of the structures or listed buildings. Moreover, only small parts of the visual settings of the heritage assets would be affected by the proposal. In the main, as an example, future generations would still be able to see the fortified Saxon site called Daws Castle and its relationship with the sea and as a defensive works against Viking coastal incursions in the late AD800s. Similar experiences could continue to be had between the other heritage assets and their settings.
42. Nonetheless, Paragraph 208 of the Framework requires that the less than substantial harm is weighed against the public benefits of the proposal. The proposal in this case would lead to a renewable energy development providing energy equivalent to around 7,500 dwellings. This is power that would contribute to national targets to reduce greenhouse gas emissions and help power homes, schools, businesses, and/or hospitals through distribution to the wider power grid network. I find that the public benefits arising in the form of the not insignificant creation of renewable energy outweighs the less than substantial harm to the identified heritage assets.
43. I therefore conclude that the proposal would accord with Policy NH1 of the LP in that any harm to settings of heritage assets are outweighed by the public benefits in this case. In doing so, I take a similar view to that of the Council's Officer Report to Committee, and by extension the Council, who did not object to the proposal on the grounds of heritage harms<sup>8</sup>. It would also accord with Policies of the Framework, including those set out in Chapter 16. Accordingly, the harm to heritage assets arising here do not provide justification for the dismissal of the appeal.

### **Other Matters**

44. A number of other matters were raised by interested parties during the 18 months or so the application was with the Local Planning Authority. Further representations have also been made at the appeal stage. I have taken all of these into account in determining this appeal. More specifically concerns have been raised on the following matters, which I consider in more detail below.

#### *Tenant farmers*

45. There are two tenant farmers, including one with an interest in approximately 21 hectares of the appeal site land. Written submissions have been made by the tenant farmers, as well as agents acting on their behalf and the Tenant Farmers Association and the National Farmers Union. The written submissions indicate that the holdings are farmed for both arable and pastoral agriculture. It has been indicated that permitting the proposed development would have an impact on the tenants owing to the potential reduction of roughly 21 hectares in their overall land holdings of around 120 hectares.
46. There is disagreement between the Council and these parties as to the materiality of such matters in the decision-making process. The Committee Minutes of 18 July 2023 indicate that:

*'Personal circumstances. It was clarified that Officers were not advising Members that they were unable to take personal circumstances into account. Personal circumstances were capable of being material considerations, but only*

---

<sup>8</sup> See also the Committee Minutes where heritage harm is not detailed.

*exceptionally. It was a matter for Members to consider and decide whether the circumstances of the tenant farmers were exceptional and should be treated a material and, if so, the weight to be afforded to the same in the planning balance. It was the view of Officers that little or no weight could be afforded, but ultimately it was a matter for Members to determine.'*

47. I am unable, on the basis of the Minutes<sup>9</sup>, to ascertain what weight the Committee gave in its decision. Typically land ownership and tenancy are private matters between the relevant parties. Moreover, it is well established planning practice that planning acts in the wider public interest, and the personal circumstances of specific parties do not typically outweigh those.
48. Nonetheless, the tenant farmers in this case have a specific interest in the land that they farm and have farmed for a number of years. This is not only in terms of an economic interest – though that clearly is an important personal factor given that farms are not 'charities' but instead businesses – but also in terms of how the land is managed. The tenant farmers have a vested interest in ensuring that the land is managed in a way that it is protected for future generations; regardless of ALC grade or whether that is for arable or pastoral farming. Were they to fail in that endeavour, then it would likely have adverse impacts; not only on their livelihoods, but also on the immediate local environment through a lack of land management.
49. In this respect, I find that the personal circumstances of the tenant farmers, as detailed in their submissions and those of Unions/Associations and of local residents on their behalf, are material in this case. I also note the references to caselaw including that of *R v Vale of Glamorgan District Council (ex parte Adams) [2000]* and *Westminster City Council v Great Portland Estates plc [1985]*.
50. I acknowledge the points made that:
- 'the legislation governing the tenancy enjoyed by one of the tenant farmers confers security of tenure for his lifetime and with rights of succession, should this planning application be approved, he would face an incontestable notice to quit from his landlord, which would unseat him, and his son, being his future successor, from his agricultural tenancy on the land comprised within this application. The land he farms within this application forms a substantial part of his holding, and it includes some of the best arable land within his holding. Losing this area to the proposed development would be devastating to his farm business'<sup>10</sup>.*
51. However, I have not been provided with any detailed information on the scale or quantum of this impact on this tenant farmers business. That is not surprising given that it is private business information. That said, I have no reason to doubt that the use of the appeal site for solar and pastoral farming rather than arable farming will alter the financial returns for the land owner(s) and the tenant farmers. What it is not possible to establish from the evidence before me, is whether such financial returns would inevitably be negative for both parties.
52. I am also cognisant with the fact that the planning system has no control over what is farmed on agricultural land. I understand that one of the tenant

---

<sup>9</sup> Either those of 20 June 2023 or 18 July 2023.

<sup>10</sup> See representation from the Tenants Farmers Association dated 26 April 2024.

farmers already grazes and keeps sheep on parts of the site. It is not illogical to assume that such activities would continue to take place in and around the proposed development. It is also not unreasonable to consider that the tenant farmer would seek to maximise the yields from their fields to ensure a financially sustainable future. This might include responsibilities for land stewardship around the solar panels and associated infrastructure in addition to grazing sheep.

53. The point being that whilst the personal circumstances of the tenant farmers and their families are material in this case, I do not find that they provide justification in themselves for the dismissal of the appeal scheme. The land would continue to have an agricultural function during the lifetime of the proposed development; albeit focussed towards biodiversity and pastoral farming rather than arable farming. Furthermore, at the end of the proposed lifetime, an element which can be secured by condition, the land would then again be available for arable farming.

*Impact on local tourism and no benefits for local people*

54. Concerns have been raised that developers are 'making lots of money and get the benefits' whereas the proposed development would affect local people. This includes the potential impact on tourists visiting the area, which makes up an important part of the local economy. One reason for tourists visiting is to enjoy the natural splendour of Exmoor National Park and the Quantock Hills AONB.
55. I acknowledge this, and also that tourists will also visit the area to see the coast, stand at Daws Castle (and experience how life may have been in the 800s), or to visit Tropiquaria Wildlife Park, amongst many other activities. However, the proposal would be set back from the main highways and views, as detailed elsewhere in this decision, would be partially screened – either through existing vegetation and/or proposed vegetation in addition to the distances involved. The impact to tourists visiting the area is unlikely to be any different to other users of the surrounding area, which I have found to be acceptable.
56. I note the points made in terms of benefits arising to the developer. However, as discussed elsewhere, I have found that whilst there would clearly be benefits to the operator of the proposal, there would also be a number of economic, social and environmental benefits to the local area. This includes the creation of renewable energy to power various buildings and services – including jobs – and biodiversity benefits, for example.
57. I do not, therefore, find that proposal would have an adverse effect on local tourism which would justify the dismissal of the appeal in this case.

*Electromagnetic Compatibility (EMC) or Electromagnetic Field (EMF)*

58. As part of their consideration of the planning application the Council consulted with a number of statutory consultees, including the HSEs Explosive Inspectorate, the Office for Nuclear Regulation, and Wales and West Water Utilities, due to its proximity to its infrastructure. None of these consultees raised an objection to the proposed development.
59. There are also no detailed objections from the Council's environmental health team regarding the potential impact on human health or other services from the proposal. I note the points made in terms of electromagnetic fields and compatibility. However, in the absence of any objections from statutory



consultees on such matters and with limited evidence before me that suggests the proposal would interfere with such activities, I find no reason to dismiss the appeal on these grounds.

#### *Biodiversity*

60. I note the concerns raised in terms of biodiversity and the potential impact on mammals including deer from the fencing restricting movement. However, approximately 1.70km of new native species hedgerow will be planted within the appeal site and managed to be in 'good' condition. The hedgerows will comprise a mixture of native shrubs and trees and will be maintained at a width of 2-4m and a height of 3-4m.
61. Furthermore, the scheme proposes new tree planting in the area which provides some habitat gain and also the opportunity to provide some additional screening to the western boundary. Lastly, the Biodiversity Net Gain Assessment concludes that the proposal would exceed the 10% biodiversity net gain objectives of recently adopted legislation. I do not, therefore, find that this provides justification for the dismissal of the appeal.

#### *Highway safety during construction phase*

62. In terms of highway safety during the construction phase, typically the implementation of permission for schemes such as that proposed here occur within a short timeframe – months rather than years. Whilst during such periods there would be a small increase in vehicular traffic movements to and from the site, this would be onto main roads and can be reasonably managed through a construction management plan. This does not, therefore provide justification for the dismissal of the appeal scheme.

#### *Battery Energy Storage Systems (BESS) and fire risk*

63. In terms of the potential risk of fire, the HSE have advised that BESS proposals are typically not a relevant development in relation to land use planning in the vicinity of major hazard sites and major accident hazard pipelines. This is due to them not introducing people into the area.
64. The national Planning Practice Guidance<sup>11</sup> (the Guidance) was updated in August 2023, and encourages Local Planning Authorities to consult with their local fire and rescue service as part of the formal period of consultation. The Guidance was updated after the Council made its decision and the Guidance only 'encourages' this to take place.
65. However, there are some residential dwellings (such as Kentisford Farm, those clustered along the highways known as Five Bells and near to Washford, for example) and businesses such as those based at Crossways Business Park and Tropiquaria Wildlife Park, that naturally would be concerned that there was no specific Battery Safety Management Plan in place that had been reviewed by the local fire and rescue service. As the Guidance advises, consideration should be given to what would happen in the event of an incident, prevention of the impact of thermal runaway, and emergency services access.
66. To that end, I would impose a planning condition requiring the submission and approval of a Battery Safety Management Plan before the installation of any

---

<sup>11</sup> <https://www.gov.uk/guidance/renewable-and-low-carbon-energy>  
Paragraphs: 032 to 36 inclusive. Reference ID: 5-032-20230814

such equipment on the appeal site. This would be a reasonable condition and necessary to minimise any risks arising from the Battery Energy Storage System to human health and property should an incident arise.

67. I also note that Wales and West Utilities have provided comments and informatives at the application and appeal stages. It is, therefore, not only clear as to where utility lines may run, but also the need to inform various bodies when works may take place in order to minimise the risk to such infrastructure.

#### *Other Appeal decisions*

68. The Appellant has brought to my attention a number of planning appeal decisions. Whilst I note that these relate to solar developments, I do not have the full particulars. Moreover, I note that these decisions relate to sites across England including in Essex, Burnley and Ludlow. I afford them little weight in relation to the appeal before me, which, in any case, I have determined on the basis of its own merits.

#### *Summary on Other Matters*

69. I have considered a number of other matters raised by interested parties. I find, when taking all of these into account, they do not provide justification whether individually or cumulatively for the dismissal of the appeal proposal.

#### **Conditions**

70. At the Planning Committee stage, the Local Planning Authority suggested a list of 17 planning conditions to impose were permission to be granted. I have taken these into account in light of Paragraph 56 of the Framework and the Guidance and the use of planning conditions. I have also taken into account the Appellant's final comments in relation to conditions, dated 20 May 2024.
71. Conditions relating to time limits for implementation, the total time limit for the 'temporary' development of forty years, the removal of the development at the end of its lifetime, and for it to be carried out in accordance with the submitted drawings are necessary to provide certainty and for the avoidance of doubt. However, I alter the removal period from three months to six to give ample opportunity for the removal of the parts of the proposed development no longer required at the end of the permission time period.
72. A condition requiring material samples would be onerous and it is unclear as to why such a condition is necessary in this case. As it does not meet the tests set out in Framework Paragraph 56, I have not imposed it.
73. Conditions requiring the site access road to be provided, and details of turning, parking and so on, are necessary and reasonably related to the scale of the proposal in order to minimise any effects on highway safety and to ensure the safety of operators on site.
74. Suggested condition 8 refers to a joint inspection of the route to be used by construction vehicles and that any damage to the highway resulting from traffic movements generated by the application site shall be repaired within three months of detection and at no cost to the Highways Authority. I find that this condition is imprecise and not reasonable. This is because it is unclear as to whom the costs would be borne by and fails to identify the methodology for determining damage to the highways arising from the proposal and damage to

the highways which can arise through inadequate maintenance or other road users. This condition does not meet the tests of Paragraph 56 of the Framework and I have not therefore imposed it.

75. The submission of a Written Scheme of Investigation relating to archaeology is reasonable given that the proposal will involve ground works which could unknowingly affect such heritage assets.
76. A condition requiring an ecological mitigation and enhancements scheme to be submitted and approved is necessary and reasonable given that these are a benefit weighing in favour of the proposal and to ensure that biodiversity gains are achieved for the local environment.
77. Conditions relating to landscaping schemes, no forms of external illumination (except low level), and the submission of a colour scheme for plant, equipment and buildings are necessary and related in scale and kind to the development in order to protect the visual amenity of the area.
78. A condition requiring the submission and approval of a Construction Environmental Management Plan (CEMP) is necessary in order to minimise the impact of the proposal on local residents and businesses arising from the proposed development during its construction phase. This includes that the CEMP contains delivery hours, wheel washing facilities, and workers parking for example. I have tweaked this slightly to insert the wording 'typically being' as the original wording could prevent vehicles from leaving their depot until within the set times.
79. A condition requiring the Construction Traffic Management Plan to be implemented as submitted is necessary to ensure highway safety for all road users.
80. A condition requiring the submission of a Battery Storage System Safety Plan is necessary and reasonable in order to reassure the Council, local residents and businesses to the safe operation of this element of the proposal. It would also assist in ensuring that operatives, when on the site, are protected from any risks arising from such infrastructure.
81. Lastly, a condition requiring detail and a scheme to minimise off-site flooding arising from surface water flooding in order to prevent pollution is necessary and reasonable in order to minimise any risks to the local environment from such occurrences.

### **Planning Balance**

82. Section 38(6) of the *Planning and Compulsory Purchase Act 2004*, as amended, sets out that if regard is to be had to the development plan for the purpose of any determination under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.
83. In this case, I have found that the proposal would not conflict with Policies NH5, NH8 and NH14 of the LP. I also find, in the absence of conflict with these policies and those of the Framework, that the proposal would not conflict with Policies CC1 and SD1 of the LP which relate to sustainable development. Whilst I have found there to be less than substantial harm to the setting of heritage assets, this harm is outweighed by the public benefits. Accordingly, the proposal would accord with the development plan when considered as a whole.

84. In terms of material considerations, I have considered these throughout this decision including the personal circumstances of tenant farmers. However, as a matter of planning judgement, I have not found that these material considerations point to a decision of dismissing the appeal given its accordance with the LP.

**Conclusion**

85. For the reasons given above the appeal should be allowed.

*C Parker*

INSPECTOR

## **Appendix A - List of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The permission hereby granted shall be limited to a period of forty years from the date when electricity is first exported from the solar panels to the electricity network (The First Export Date). Written notification of the First Export Date shall be given to the Local Planning Authority within fourteen days of the event occurring.
- 3) The development hereby permitted shall be carried out in accordance with the approved plans:
  - DRNO JPW0622-WASHFORD-013 REV B Red Line Boundary
  - DRNO JPW0622-WASHFORD-12 REV I Solar Layout
  - DRNO 24 Landscape Proposal Rev E
  - DRNO JPW1056-001 Typical Panel Planning Details
  - DRNO JPW1056-002 Typical Invertor Planning Details
  - DRNO JPW1056-003 Typical CCTV Planning Details
  - DRNO JPW1056-004 Typical Access Road Planning Details
  - DRNO JPW1056-005 Typical Fence and Gate Planning Details
  - DRNO JPW1056-006 Typical DNO Building Details
  - DRNO JPW1056-007 Typical Battery Unit Details
  - DRNO JPW1056-009 Existing and Proposed Cross Sections
- 4) Within six months of the solar array permanently ceasing to be used for the generation of electricity, or the end of this permission, whichever is the earliest, the development hereby permitted shall cease and the array, and associated infrastructure, shall be permanently removed from the land, and the site restored to its former condition (allowing for any appropriate enhancements) in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority prior to such works being carried out.
- 5) No other part of the development hereby approved shall be commenced until the site access roads shall be hardened, surfaced, drained and maintained thereafter for a distance of not less than 6 metres back from its junction with the public highway.
- 6) Subject to Condition 5 hereof, no other part of the development hereby approved shall be commenced until the until the access, parking facilities, commercial vehicle loading/unloading area, visibility splays, turning area and access drainage have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times.
- 7) No development shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been first submitted to and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the approved scheme, or such other scheme as may be subsequently agreed in writing by the Local Planning Authority.

- 8) Prior to the commencement of development a detailed scheme of ecological mitigation and enhancement measures set out in a Biodiversity Management Plan (BMP), in accordance with the recommendations of the submitted Biodiversity Net Gain Assessment (January 2023, Ref: ECO02396 1), has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include proposals for protective measures during the construction process; external lighting; and planting, including a timetable for implementation. The development shall thereafter be undertaken in accordance with the approved BMP.
- 9) All approved landscaping details shall be carried out in the first planting and seeding seasons following the erection of the solar panels, and any plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards.
- 10) No external form of illumination of the site shall be installed or used on the site other than low level lighting required on ancillary buildings during occasional maintenance and inspection visits.
- 11) The installation or construction of all plant, equipment, and buildings shall be undertaken using a colour scheme which has previously been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved colour scheme.
- 12) Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. In respect to the protection of residential amenity and the local environment, the CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include details of the hours of operation and measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways. The following specific details should also be included in respect to highway safety:
  - (a) the timetable of the works;
  - (b) daily hours of construction;
  - (c) any road closure;
  - (d) hours during which delivery and construction traffic will travel to and from the site, typically being between 8:00am and 6pm Mondays to Fridays inclusive: 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank or Public Holidays unless agreed in writing by the Local Planning Authority in advance;
  - (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
  - (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works;

(j) details of wheel washing facilities and road sweeping measures with the respective obligations;

(k) details of the amount and location of construction worker parking;

All works shall be carried out in accordance with the approved CEMP thereafter.

- 13) The construction of the development shall be undertaken in accordance with the Construction Traffic Management Plan prepared by RPS dated April 2021 (JNY9508-03).
- 14) Prior to the implementation of the Battery Energy Storage System comprised in the development, a detailed Battery Safety Management Plan (BSMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and operated only in accordance with the approved BSMP.
- 15) Prior to the commencement of development a scheme to minimise the risk of off-site flooding caused by surface water run-off and groundwater during construction works and to prevent pollution has been submitted to, and approved in writing, by the Local Planning Authority. The scheme shall subsequently be implemented as approved.

**\*\*\* END OF CONDITIONS \*\*\***

This page is intentionally left blank