

AGENDA

Meeting: Strategic Planning Committee
Place: Council Chamber - County Hall, Trowbridge BA14 8JN
Date: Wednesday 12 March 2014
Time: 10.30 am

Please direct any enquiries on this Agenda to Roger Bishton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 713035 or email roger.bishton@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

Briefing Arrangements:	Date	Time	Place
PARTY SPOKESMEN	12 March 2014	9.30am	Council Chamber, County Hall

Membership:

Cllr Glenis Ansell	Cllr Christopher Newbury
Cllr Terry Chivers	Cllr Anthony Trotman
Cllr Andrew Davis (Chairman)	Cllr Nick Watts
Cllr Jose Green (Vice Chairman)	Cllr Fred Westmoreland
Cllr Charles Howard	Cllr Graham Wright
Cllr Bill Moss	

Substitutes:

Cllr Trevor Carbin	Cllr George Jeans
Cllr Ernie Clark	Cllr Gordon King
Cllr Stewart Dobson	Cllr Howard Marshall
Cllr Mary Douglas	Cllr Paul Oatway
Cllr Dennis Drewett	Cllr Ian West
Cllr Russell Hawker	Cllr Philip Whalley

PART I

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

1 **Apologies for Absence**

2 **Minutes of the Previous Meeting** (*Pages 1 - 28*)

To confirm the minutes of the previous meeting held on 12 February 2014.
(Copy attached)

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

5 **Public Participation and Councillors' Questions**

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 in person no later than 10.20am on the day of the meeting.

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. The rules on public participation in respect of planning applications are detailed in the Council's Planning Code of Good Practice.

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 5 March 2014**. 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 **W/13/06140/FUL - Land at Snarlton Farm, Snarlton Lane, Melksham, Wiltshire, SN12 7QP - Development of 80.5 ha Solar Photovoltaic Farm with Attendance Equipment and Infrastructure** *(Pages 29 - 74)*

A report by the Case Officer is attached.

- 7 **W/13/03568/OUT - Land at The Mead, Westbury, Wiltshire - Up to 220 Dwellings (C3), Creation of a New Access from The Mead, Creation of a New Emergency/Cycle and Pedestrian Access from Trowbridge Road, Open Space, Drainage Works and Ancillary Works** *(Pages 75 - 102)*

A report by the Case Officer is attached.

- 8 **Date of Next Meeting**

To note that the next meeting is due to be held on Wednesday 23 April 2014 in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

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

STRATEGIC PLANNING COMMITTEE

DRAFT MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 12 FEBRUARY 2014 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Glenis Ansell, Cllr Terry Chivers, Cllr Andrew Davis (Chairman), Cllr Jose Green (Vice Chairman), Cllr Charles Howard, Cllr Bill Moss, Cllr Christopher Newbury, Cllr Anthony Trotman, Cllr Nick Watts, Cllr Fred Westmoreland and Cllr Graham Wright

Also Present:

Cllr Trevor Carbin, Cllr Magnus Macdonald, Cllr Laura Mayes, Cllr Toby Sturgis and Cllr Philip Whitehead

12 **Apologies for Absence**

There were no apologies for absence.

13 **Minutes of the Previous Meeting**

On considering the accuracy of the previous minutes,

Resolved:

To confirm and sign as a correct record the minutes of the previous meeting held on 22 January 2014, subject to the following amendment:-

Minute No. 8 – N13/01747/FUL – Hunters Moon, Easton Lane, Chippenham, SN14 0RW

To amend the resolution to read as follows:-

“Subject to all parties entering into an agreement under s106 of The Act (as amended) in relation to the following matters:

- **The delivery of affordable housing**
- **The delivery and maintenance of on-site play and public open space**

- The delivery of site access works, cycleways, off-site works including works to Pheasant roundabout, and provision of new bus to allow dedicated service to run through the site
- The delivery of costs associated with proposed Travel Plan
- The delivery of a contribution towards strategic highways works
- The delivery of 1.2 hectare of land for the provision of a single-form entry primary school
- The delivery of a contribution towards local education provision

to delegate to the Area Development Manager to grant planning permission, subject to the following conditions:-" (the conditions to remain as set out in the Minute)

The Committee received representations from a member of the public for alterations to Minute No.9 – N/12/0438/OUT – Marden Farm, Rookery Park, Calne, SN11 0LH – Update. The Committee did not consider that the Minute should be amended.

14 **Declarations of Interest**

There were no declarations of interest made at the meeting.

15 **Chairman's Announcements**

The Chairman referred to questions that had been raised by Mrs Anne Henshaw and Mr John Kirkman of CPRE at the last meeting concerning solar farm developments. Since that meeting supplementary questions had been received to which answers would be provided and passed to members of the Committee for approval prior to being signed off by the Chairman and sent to the questioners.

16 **Public Participation and Councillors' Questions**

There were no questions received from members of the public or members of the Council.

17 **E/13/01243/OUT - Land at Lay Wood, South of Horton Road, Devizes, Wiltshire**

The following people spoke against the proposal:

Mr William May Smith, a local resident
 Mr Rick Rowland, representing Devizes Community Area Partnership
 Mr Simon Fisher, representing the Neighbourhood Plan Steering Group
 Mr John Jenkins, representing the CPRE
 Mr Eric Clark, Clerk to Bishops Cannings Parish Council
 Cllr Judy Rose, representing Devizes Town Council

The following person spoke in favour of the proposal:

Mr Neil Hall, representing the applicant

The Committee received a presentation by the Case Officer which set out the main issues in respect of the application. She introduced the report which recommended that the planning application be delegated to the Area Development Manager to approve, subject to the prior completion of a Section 106 legal agreement and also subject to conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Philip Whitehead, the local Member who objected to the application on the grounds that the proposal did not meet with the requirements as set out in the Devizes Neighbourhood Plan, the draft Wiltshire Core Strategy or the Devizes Transport Policy.

Members had also received a copy of a letter to the Editor of the Wiltshire Gazette & Herald from seven local Members of the Council and also emails from Mrs S Buxton and Mr F Morland all objecting to the proposal.

During the ensuing discussion, whilst Members expressed much sympathy for the views expressed by the objectors to the proposal, they appreciated that the views expressed by the Core Strategy Inspector by suggesting that the Core Strategy housing requirement should be increased by 5,000 to 42,000 homes in Wiltshire, had in effect rendered objection to the proposal untenable.

Resolved:

To delegate to the Area Development Manager to grant planning permission, subject to the prior completion of a Section 106 legal agreement in relation to the following matters:-

- **The delivery of affordable housing**
- **The delivery of a contribution towards local education provision**
- **The delivery of a contribution towards on site-play and open space and off-site recreation provision**
- **The delivery of a contribution towards public transport improvements, measures in the Devizes Transport Strategy and the implementation of a Travel Plan.**
- **The delivery of a contribution towards the maintenance and upgrading of the canal towpath in the vicinity of the site.**
- **The delivery of a contribution to help undertake general highway works in the vicinity of Bishops Cannings school and village hall.**

And subject to the following conditions:-

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.**

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:**

- (a) The scale of the development;**
- (b) The layout of the development;**
- (c) The external appearance of the development;**
- (d) The landscaping of the site;**

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.**

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

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

Figure 1.1 (Ref 33976-LEA02d) and Figure 8.1 (Ref 33976-LEA12B) received on 19th June 2013

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

- 5 No dwellings shall be constructed on site until details and samples 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 dwelling shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed, before the buildings are occupied, in accordance with a timetable agreed in writing by the Local Planning Authority. The 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.

- 7** No development shall commence on site until a hard and soft landscaping scheme and implementation programme has been submitted to and approved in writing by the Local Planning Authority, details of which shall include:
- indications of all existing trees and hedgerows on the land;
 - details of any to be retained, together with measures for their protection in the course of development;
 - all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
 - finished levels and contours of the land;
 - means of enclosure;
 - car parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials;
 - minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

All hard and soft landscape works shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

- 8** No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

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

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

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

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

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

- 9** No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be

formed, and the nature of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

REASON: To ensure a satisfactory landscaped setting for the development

- 10** Construction of dwellings hereby permitted shall not commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety

- 11** Construction of dwellings hereby permitted shall not commence until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved items serving that dwelling have been carried out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner

- 12** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interest of highway safety

- 13** Prior to first occupation of the 100th dwelling hereby approved an emergency vehicular access link to Horton Road, suitable for pedestrian and cycle use shall have been provided in accordance with details to be first submitted to and approved by the local Planning Authority. The link to be positioned to provide convenient pedestrian access to the bus stops on Horton Road.

REASON: In the interests of safe and convenient access to the site.

- 14** Prior to the occupation of the 100th dwelling a bus turning facility or a loop road suitable for use by buses shall have been provided and made available for use on the section of the development to the north of Lay Wood, in accordance with details to be first submitted to and approved by the Local Planning Authority. A bus turning facility in this area of the site shall at all times thereafter be kept available for use by buses.

REASON: In the interests of the site being conveniently served by public transport.

- 15** Prior to first occupation of any dwelling hereby approved the site access roundabout as indicated in outline on drawing Transport Assessment Figure 8.1, and including street lighting in accordance with BS5489-1:2013, BS EN123201-2:2003, shall have been constructed and made permanently available for use

REASON: In the interests of providing safe and convenient access to the development

- 16** Prior to any reserved matters approval, details of a surface water drainage masterplan shall be submitted to and agreed in writing by the Local Planning Authority. The masterplan shall be in accordance with the Flood Risk Assessment (AMEC, June 2013) and include details of the phasing of surface water drainage infrastructure including source control measures. The development shall be implemented in accordance with the approved scheme.

REASON: To prevent the increased risk of flooding as a result of the development in accordance with NPPF

- 17** No development shall commence on site until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development in accordance with the Flood Risk Assessment prepared by RPS Health, Safety & Environment, reference RCEB23864-001R and dated January 2013 , together with a phasing scheme and a timetable explaining when the works are to be constructed, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details and no dwelling shall be first occupied before the surface water drainage scheme for that dwelling has been provided.

REASON: To prevent the increased risk of flooding as a result of the development in accordance with NPPF.

- 18 The reserved matters application shall include details of the proposed finished floor levels which shall be set no lower than 129.0 metres above Ordnance Datum (AOD), in accordance with the Flood Risk Assessment (AMEC, June 2013).**

REASON: To reduce the risk of flooding to the proposed development and future occupants.

- 19 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.**

REASON: To prevent pollution of the water environment

- 20 No development approved by this permission shall commence until a scheme for water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.**

REASON: In the interests of sustainable development and prudent use of natural resources.

- 21 No development shall commence on site until details of the works for the disposal of sewerage, together with a phasing scheme, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details for that dwelling have been fully implemented in accordance with the approved plans and phasing scheme.**

REASON: In the interest of future residential amenity

- 22 No development shall commence until:**

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

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.

- 23** No dwellings shall be constructed on site until a scheme of acoustic insulation and mitigation for the purposes of attenuating the affects of noise on the occupants of the development from road traffic and the adjacent Wiltshire Council Depot have been submitted to and approved by the Local Planning Authority. No dwelling shall be first occupied until the approved insulation and mitigation measures for that dwelling have been fully implemented in accordance with the approved details.

REASON: In the interest of future residential amenity

- 24** No development shall commence on site (including any works of demolition), until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. It 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;
 - measures for the protection of the natural environment; and hours of construction, including deliveries.

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

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

- 25** Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect neighbouring amenity.

- 26** No more than 230 dwellings shall be constructed on the site pursuant to this planning permission.

REASON: To define the limits of the planning permission and to set the maximum number of dwellings to be constructed on the application site.

INFORMATIVE TO APPLICANT:

This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the ?? 2014

INFORMATIVE TO APPLICANT:

It is important for the applicant to note that the indicative layout has not been considered acceptable in terms of ecology due to the location of proposed footpaths which the Local Planning Authority will expect to be provided to create links to the neighbouring residential development and to the canal. A further ecological mitigation strategy relevant to species found within the site will also need to be submitted with any reserved matters application for approval.

INFORMATIVE TO APPLICANT:

The attention of the applicant is drawn to the following informatives requested by the Environment Agency:

- 1) There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.
- 2) Any surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to soakaway.
- 3) There are ordinary watercourses within or in close proximity to the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) prior Land Drainage Consent will be required from Wiltshire Council as the Lead Local Flood Authority. Please contact the Drainage Team to discuss their requirements
- 4) Wetlands are important wildlife habitats that support a wide variety of plants and animals, including rare and endangered species. Development should aim to prevent deterioration and enhance the status of aquatic ecosystems and associated wetlands. Furthermore a key output of the England Biodiversity Strategy for 2008 is a 50 year vision for wetlands. The Wetland Vision looks forward 50 years to a

future where freshwater wetlands full of wildlife are found across the urban and rural landscapes, and where they are valued by society for the services they provide.

5) In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that a SWMP should contain depends on the estimated build cost, excluding VAT. The duty of care for waste must also be complied with. Because all waste movements need to be recorded in one document, having a SWMP will help to ensure compliance with the duty of care.

18 **E/13/0083/OUT - Land at Coate Bridge, Adjacent to Windsor Drive, Devizes, Wiltshire**

The following people spoke against the proposal:

Mr Rick Rowland, representing Devizes Community Area Partnership
Mr Simon Fisher, representing the Neighbourhood Plan Steering Group
Mr Tony Duck, representing the Trust for Devizes
Mr John Kirkman, representing the CPRE
Cllr Andy Geddes, representing Roundway Parish Council
Cllr Judy Rose, representing Devizes Town Council

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the outstanding appeal. He reported that this application had been previously refused planning permission by Strategic planning Committee at its meeting on 25 September 2013. The applicants had subsequently lodged an appeal and a Public Inquiry was scheduled to take place week commencing 7 April 2014.

The Inspector's tenth procedural letter (2nd December 2013) to the Wiltshire Core Strategy had changed the context within which this application should be considered and impacted upon the reasons for refusal. The Inspector had suggested that the Core Strategy housing requirement should be increased by 5,000 to 42,000 homes in Wiltshire and it is currently unclear what impact this would have on the number of homes planned for Devizes and the East Housing Market Area. This Committee was therefore being requested to consider the approach to the conduct of this appeal.

Members had also received a copy of a letter to the Editor of the Wiltshire Gazette & Herald from seven local Members of the Council and also emails from Mr D Buxton, Mrs S Buxton, Mr F Morland and Mrs M Taylor all objecting to the proposal.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Laura Mayes, the local Member, who spoke in objection to the application, noting that there was no objection in principle to some new housing being developed in the Devizes area, but highlighting the significant extent of the application in an area not identified through policy for such development. She also considered that an additional 580 house development (the total of Laywood and Coate Bridge proposals) was more than the target figure for the period to 2026.

After a full discussion

Resolved:

To request the Officers to vigorously defend the Council's decision to refuse planning permission for this development at the forthcoming Public Inquiry in April 2014 for the original reasons the application was refused in September 2013, namely:-

- 1) The site lies outside of the limits of Development defined for Devizes in the Kennet Local Plan 2011. In this location, new development is restricted to that which is of benefit to the rural economy or the social well-being of the community. The Council does not consider that a housing development of this scale would support the rural economy or benefit the social well-being of the rural economy. The proposal would therefore conflict with policy NR6 of the KLP.**
- 2) The Draft Wiltshire Core Strategy, through CP2, requires development outside of the Limits of Development for Devizes to be identified through community-led planning policy documents including neighbourhood plans, or a subsequent development plan document which identifies specific sites for development. This site has not been identified through this process and it would therefore conflict with policy CP2 if planning permission were to be granted.**
- 3) The Council is satisfied that there is no overriding need to bring forward this site outside the Limits of Development for residential development at this stage as it is satisfied that there is adequate land available to meet the Government requirement expressed in the NPPF for a 5 year land supply.**
- 4) The site includes within its boundaries potential heritage assets with archaeological interest, including a number of earthworks recorded on the Historic Environment Record. The Council considers that in these circumstances, and in accordance with paragraph 128 of the NPPF, an archaeological field evaluation is required to properly inform the Council of the impact of the development on archaeological remains. No such evaluation has been undertaken on the site and the proposal is therefore considered to be premature as the Council is unable to**

assess properly the impact on any potential archaeological heritage asset on the site.

(At the conclusion of this item the Committee recessed for 10 minutes from 1.25pm until 1.35pm.)

19 **W/13/00643/FUL - Land South West of Kingston Farm Buildings, Holt Road, Bradford on Avon, Wiltshire**

The following person spoke against the proposal:

Mr Godfrey Marks, representing Bradford Preservation Trust

The following people spoke in favour of the proposal:

Mr Chris Beaver, the applicant's agent
Mr David Maude, a local resident
Cllr John Potter, Mayor of Bradford on Avon

The Committee received a presentation by the Area Development Manager which set out the main issues in respect of the application. He introduced the report which recommended that planning permission be granted subject to the satisfactory completion of a legal agreement and conditions.

Members of the Committee then had the opportunity to ask technical questions after which the Committee received statements from members of the public as detailed above, expressing their views regarding the planning application.

Members then heard the views of Cllr Magnus Macdonald, a local Member who was attending on behalf of Cllr Rosemary Brown, the local Member, both of whom welcomed and fully supported the application, stating that it was crucial to the future of Bradford on Avon.

After discussion,

Resolved:

To delegate authority to the Area Development Manager to grant planning permission subject to a legal agreement to secure the following:

- i) 30% Affordable Housing to be provided on site.**
- ii) A financial contribution towards the provision of secondary school places totalling £498,030 which would be index linked.**
- iii) A financial contribution towards the provision of primary school places totalling £470,381 which would be index linked.**

- iv) **A financial contribution towards the provision of affordable childcare totalling £161,530 which would be indexed linked.**
- v) **A financial contribution towards the provision of GP surgery facilities totalling £53,750 which would be indexed linked.**
- vi) **A financial contribution towards Phase 3 of the Bradford on Avon Historic Core Zone works totalling £155,000 which would be indexed linked (in the event that this works does not occur monies will be made available to bus service enhancements to serve the development site).**
- vii) **A financial contribution towards the cost of making Traffic Regulation Orders relating to waiting, speed limits, weight limit and temporary closure of Cemetery Lane totalling £15,000 which would be indexed linked.**
- viii) **A financial contribution towards the monitoring of the Travel Plans for the Development totalling £5,000 which would be indexed linked.**
- ix) **A financial contribution towards the outdoor leisure facilities at Culver Close / Victory Field totalling £30,907 which would be indexed linked.**
- x) **A financial contribution towards the expansion of Bradford on Avon cemetery totalling £3,750 which would be indexed linked.**
- xi) **A financial contribution towards monitoring, improving and mitigating air quality issues within the Bradford on Avon Air Quality Management Area totalling £20,000 which would be indexed linked.**
- xii) **The practical completion of the new Anthony Best Dynamics factory and the relocation of the business onto the development before the first occupation of the 50th open market dwelling.**
- xiii) **The practical completion of phase 1 of the 'work-hub' development before the first occupation of the 80th open market dwelling.**
- xiv) **The provision of circa 1.5 hectares of public open space on site (including equipped play areas), with payment of a commuted sum towards its initial management if the Council is requested to adopt it.**
- xv) **The provision of private allotments.**
- xvi) **The provision of a series of highway improvement works including widening of pedestrian facilities from the site to the junction of**

Wooley Street/Silver Street; provision of a new roundabout; provision of a new access to the employment area with realignment to highways; and dedicated pedestrian crossings and refuges on Holt Road.

And subject to the following planning 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 No development shall commence on the housing development until details and samples of the materials to be used for the external walls and roofs of the housing development 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.

- 3 No development shall commence on the employment development until details and samples of the materials to be used for the external walls and roofs of the employment development 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.

- 4 No development shall commence on the allotment development until details and samples of the materials to be used for the external walls and roofs of the communal barn 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.

- 5 No development shall commence on the respective employment or housing sites until a scheme of hard and soft landscaping has been submitted to and approved in writing for those sites by the Local Planning Authority, the details of which shall include for each:-**

- 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, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc); and
- retained historic landscape features and proposed restoration, where relevant.

REASON: To ensure a satisfactory landscaped setting for the development and to protected and enhance biodiversity interests.

- 6** No development shall commence on site until a scheme of phasing programme for the development and associated landscaping has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the development is phased so as to minimise any harm during the construction period and that a satisfactory landscape setting is created and to protect and enhance biodiversity interests.

- 7** All soft landscaping contained in the approved details of landscaping shall be carried out in accordance with the approved phasing programme required by condition 4.

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 to protect and enhance biodiversity interests.

- 8** No building shall be first occupied until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, (other than small, privately owned, domestic gardens, but for the avoidance of doubt including the allotments) has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details.

REASON: To ensure the proper management of the landscaped areas in the interests of visual amenity.

- 9** No development shall commence on site until a habitat and ecological management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include:
- * a set of detailed objectives;
 - * a drawing showing the locations of habitat features of importance for bats;
 - * a requirement for those with landscape management responsibilities to ensure bat habitat features are retained and enhanced through appropriate management for the lifetime of the development;
 - * a programme of management works including annual and less frequent works required to maintain the bat habitat features in good condition.
 - * details of monitoring for compliance against the plan objectives.

The habitat and ecological management plan shall be carried out in accordance with the approved details.

REASON: In the interests of preserving and enhancing biodiversity and protected species.

- 10** Notwithstanding the hereby approved plans, no development shall commence on site until details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing programme required by condition 4.

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

- 11** No development shall commence on those parts of the site within the root protection areas/canopies of protected and retained trees until a

full 'No-Dig' specification for works within these areas has been submitted and approved in writing by, the Local Planning Authority. The construction of the surface shall be carried out in accordance with approved details and thereafter retained.

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

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the:
- east elevation of plot 11;
 - north elevation of plot 67; and
 - north elevation first floor of plot 133.

REASON: In the interests of residential amenity and privacy.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interests of highway safety.

- 14 No development of the proposed impermeable parking areas and hardstandings shall commence on site until details of surface water drainage from these areas, including oil interceptors has been submitted and approved by the Local Planning Authority. The areas/hardstandings shall not be first brought into use until the oil interceptors have been installed in accordance with the approved details. Thereafter the oil interceptors shall be retained in accordance with the approved details. Roof water shall not pass through the interceptors.

REASON: To minimise the risk of pollution of the water environment.

- 15 No development shall commence on site until the final scheme for the discharge of foul water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by

the Local Planning Authority. The development shall not be first occupied until foul water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained, minimise the risk of pollution and minimise the risk of flooding on the site and downstream.

- 16** Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. The associated development shall not be first occupied until such facilities have been constructed and completed in strict accordance with plans approved by the Local Planning Authority.

REASON: To prevent pollution of the water environment

- 17** No development shall commence 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.

Furthermore the development shall be carried out in accordance with the 'Method Statement for Landscape Construction Works within Area of Archaeological Interest' by McGregor Smith received on 20 December 2013.

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

- 18** No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.

REASON: To ensure that the development can be adequately drained, minimise the risk of pollution and minimise the risk of flooding on the site and downstream.

19 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating:

- a working method statement for road construction detailing how the works will be controlled;
- details of how bat monitoring and vibration monitoring will be used during construction to avoid harm to bats and instability in the mine;
- position, design and timescale for protective fencing which will be erected to exclude construction machinery from land above Coombe Mine;
- working restrictions to minimise impacts on bat movement at night;
- pollution prevention measures,

has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: In order to protect the natural environment.

20 All fixed plant and machinery shall be so sited and designed in order to achieve a Rating Level of -5dB below the lowest measured background noise level, determined at the nearest noise sensitive receptor. Measurements and assessment shall be carried out in accordance with BS4142:1997.

REASON: In order to safeguard the amenities of the area in which the development is located.

21 The working hours during the construction phase shall be limited to:
Monday – Friday: 0800 - 1800
Saturdays: 0830 – 1300
Sundays/Public Holidays: None

REASON: In order to safeguard the amenities of the area in which the development is located.

22 Vehicle deliveries shall be limited to:-
Monday – Friday: 0800 – 1800
Saturdays: 0900 – 1300
Sundays/Public Holidays: None

REASON: In order to safeguard the amenities of the area in which the development is located.

- 23** No development shall commence until a final external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include plans showing all public, private domestic and private commercial external lighting. The scheme shall detail the type of light appliance, the height and position of fitting, illumination levels and light spillage. The scheme shall achieve Environmental Zone Category E2 levels or less, complying with guidance issued by the Institution of Lighting Engineers. Furthermore the scheme shall be designed specifically to achieve light levels that avoid harm as far as reasonably practical to bats by complying with the lux plot contained in scheduled additional information “eg12492: Further Information to Inform a HRA” and scheduled drawing “0066-1300-004 Rev A”; and reducing light levels towards 1 lux near trees along the sites northern boundary. The scheme shall include details of when lanterns will be switched off at night.

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

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

Step (i) A written report has been submitted to and approved by the Local Planning Authority which shall include details of the previous uses of the site and any adjacent sites for at least the last 100 years and a description of the current condition of the sites with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site and the potential impact of any adjacent sites.

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

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

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

- 25 No development shall commence until a scheme of public art, including a timetable for delivery, has been submitted to and approved in writing by the Local Planning Authority. The public art shall be provided in accordance with the agreed timetable.**

REASON: In the interest of public amenity and appearance of the development.

- 26 No development shall commence until details of bat and bird boxes (including those integrated into the fabric of the built environment), including a plan to show their location have been submitted to and approved in writing by the Local Planning Authority. These shall subsequently be installed before any dwelling is first occupied.**

REASON: In order to preserve and enhance biodiversity interests.

- 27 No part of the development shall be first occupied until the entrance of Combe Mine county wildlife site has been fitted with a protective metal grill to prevent public access.**

REASON: In order to minimise potential disturbance to protected species and their habitat.

- 28 No tree will be felled or pruned unless it has been assessed by a professional ecologist for risks to bats within the previous 12 months and the works are undertaken following the advice of the ecologist.**

REASON: In the interests of protected species.

- 29 No hedgerow or tree removal will be undertaken on the site until advanced planting works are completed in accordance the approved phasing programme required by condition 4.**

REASON: In the interests of protected species.

- 30** Notwithstanding the details submitted, no development shall commence on site until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved by the Local Planning Authority. No part of development shall be first occupied until the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture that serve that part of the development have all been constructed and laid out in accordance with the approved details, unless an alternative programming arrangement is agreed in the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 31** The roads, including footpaths and turning spaces, shall be constructed so as to ensure that, before it is occupied, each dwelling has been provided with a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

REASON: To ensure that the development is served by an adequate means of access.

- 32** The Class B1 and B2 development hereby approved shall not be first brought into use until that part of the service road which provides access to it has been constructed, and all parking and manoeuvring spaces have been completed in accordance with the approved plans. The parking and manoeuvring spaces shall only be used for the purpose of parking and manoeuvring at all times.

REASON: To ensure that the development is served by an adequate means of access and parking.

- 33** No Class B1 or B2 development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. The spaces, and changing and showering facilities, shall be made available for use prior to the first occupation of the development hereby permitted and shall be retained for use 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.

- 34** No building shall be occupied on the respective parts of the site (employment/residential) until a Green Travel Plan for the respective part of the site has been submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The employment use Travel Plan shall identify measures that are disincentives for employee travel as single car occupants. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results. The travel plans shall each have a minimum period of operation of 6 years from the date of first occupation of the respective land uses.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

- 35** Before the development hereby permitted is commenced, a Construction Traffic Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall identify what routes are to be used by construction lorries and vans to serve the site, how the construction traffic will avoid adding to congestion in Bradford on Avon and Holt, what arrangements will be put in place to ensure exiting lorries and vans do not cause mud and other deleterious materials being deposited on the local roads

REASON: In order to ensure that existing highway users are not unduly inconvenienced degree by development related construction traffic

- 36** The access to the designated allotments shall be limited to maintenance and service vehicles only.

REASON: In order to define the terms of this permission and highway safety.

- 37** The 25 parking spaces opposite residential units 68-80 within the work-hub employment area shall be made available for public parking at weekends, bank holidays and from 18.00 to 07.00 hrs (the next day) on all other days.

REASON: In order to alleviate on-street parking demand and make an efficient use of the development's off-street parking provision.

- 38 No development shall commence until detail of new bus stop positions and facilities within the vicinity of the site have been submitted to and approved in writing by the Local Planning Authority. Those details shall include an agreed timetable for the works.**

REASON: In order to improve sustainable transport options for those living and/or working at the development without prejudice to existing residents and workers.

- 39 The development hereby permitted shall be carried out in accordance with the following approved plans listed in schedule**

Submission Document Schedule: Issue no.10 – 28/01/2014 by Planning Sphere

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

Informative(s):

- 1 There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely affected.**
- 2 There are ordinary watercourses either within or in close proximity to the site. If you intend to obstruct the flow in the watercourse (permanently or temporarily, including culverting) you will require prior Land Drainage Consent from Wiltshire Council as the Lead Local Flood Authority. You are advised to contact the Drainage Team to discuss their requirements:-
<http://www.wiltshire.gov.uk/communityandliving/civilemergencies/drainage/drainageordinarywatercourseconsent.htm>**
- 3 Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of heavy plant and vehicles, including wheel-wash
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.**

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:
<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

- 4 The archaeology work should be conducted by a professional archaeological contractor and there will be a financial implication for the applicant.
- 5 It should be noted that the new Part L Clause 25 of the 2013 Building Regulations may require documentation of a low carbon/centralised energy strategy approved by the local authority.
- 6 The developer is encouraged to consider the installation of sprinkler systems within the development in the interests of fire safety.
- 7 The applicant is advised that erection of a grille across the entrance of Coombe Mine is likely to require a licence from Natural England.
- 8 Within the submission of landscaping condition discharge the following matters will be expressly addressed:
 - * details of a planting scheme along northern boundary of the site and timescale for its implementation which is necessary to provide a commuting route for bats as soon as possible during the construction programme;
 - * details of planting that will be undertaken around the entrance to Coombe Mine to provide visual screening; and
 - * planting plans will demonstrate how dark bridges will be created to encourage bats to cross new roads.

20 **Date of Next Meeting**

Resolved:

To note that the next meeting was due to be held on Wednesday 12 March 2014 in the Council Chamber at County Hall, Trowbridge, starting at 10.30am.

21 **Urgent Items**

There were no items of urgent business.

(Duration of meeting: 10.30 am - 2.10 pm)

The Officer who has produced these minutes is Roger Bishton, of Democratic & Members' Services, direct line 01225 713035, e-mail roger.bishton@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	12 March 2014
Application Number	13/06140/FUL
Site Address	Land at Snarlton Farm Snarlton Lane Melksham Wilts SN12 7QP
Proposal	Development of 80.5ha solar photovoltaic farm with attendance equipment and infrastructure
Applicant	Mr St John Hughes
Town/Parish Council	MELKSHAM WITHOUT
Ward	MELKSHAM WITHOUT NORTH
Grid Ref	392347 163625
Type of application	Full Planning
Case Officer	Kenny Green

Reason for the application being considered by Committee

This application is being referred to the Strategic Planning Committee as it is a large scale major development both in terms of site area and the potential MW renewable generating output which raises issues of more than local importance which are covered in detail later within this report. Members are respectfully advised to also note that Cllr Terry Chivers called this application for Member's to determine to consider the following matters:

The scale of the development

The visual impact upon the surrounding area

The relationship with adjoining properties

The design, bulk, height, general appearance

Environmental and/or highway impacts

Public Interest

1 Purpose of Report

To consider the above application and to recommend that planning permission be approved subject to conditions.

Neighbourhood Responses

Sixty two letters of support have been received with the reasons cited within section 8 below. In addition, two separate petitions of support for this application were received with 120 and 60 signatories respectively (180 in total).

In addition to the above support, two separate letters were received from landowners of the nearby woodland plantations (Eight Acre, Eighteen Acre Plantations and Memory Wood).

Two neutral representations have been received with an explanation given in section 8.

Forty letters of objection (a few of which were multiple letters submitted at different times by the same individuals) have been received as cited within section 8 below. In addition, a petition opposing the development with 304 signatories was received.

Parish Responses

Melksham Without Parish Council (the parish within which the site is located) – Supportive.

Melksham Town Council (adjoining parish) – No objection.

Bromham Parish Council – (adjoining parish) - Supportive.

Seend Parish Council – (adjoining parish) - Objects.

2. Report Summary

The main issues to consider are:

- The Principle of The Development / Sustainable Development Objectives
- The Impact upon The Rural Surroundings and Surrounding Countryside
- The Impact upon Heritage Assets (including Archaeology)
- The Impact on Ecological Interests
- The Impact on Highway Interests
- The Impacts on Third Parties
- Hydrology and Flood Risk
- EIA Screening
- Other Matters

3. Site Description

This application site is located about 1.9km east of Melksham and 2.2km north of Seend and Seend Cleeve and relates to an 80.5 hectare rural site comprising 17 fields currently used for growing crops and grazing which is worked by three separate farmsteads: Snarlton Farm, Tanhouse Farm and Sandridge Farm. The land within the site parameters comprises part of a shallow valley aligned roughly east-west with the associated valley extending north and southwards. The majority of site is level ground with some modest undulation. The high point of the site is circa 65m AOD (above ordinary datum) along the north-eastern boundary, from which the landform gently slopes in a south western direction to a low point of circa 42m AOD along the southern boundary.

The land classification is primarily Grade 4 ‘poor’ quality heavy clay land which is noted as having *“severe limitations which significantly restrict[s] the range of crops and/or level of yields. It is mainly suited to grass with occasional arable crops (e.g. cereals and forage crops) the yields of which are variable”*.

There is one ruinous red brick structure within the site parameters which is identified on an 1840 Melksham Tithing Map sited c750m from the A3102 and c300m to the east of Prater’s Lane. An on-site inspection of the structure appears to indicate that the structure was

previously quite substantial comprising eight or nine bays 2m apart. Its functional use has however long since eroded; and in its place, an open fronted, smaller modern steel sheeted agricultural storage enclosure exists.

The gradually undulating field system is in part, well enclosed by dense well-established managed and unmanaged hedgerow and treed/woodland boundaries. Several woodland plantations adjoin the site and provide a robust/dense natural backdrop in the form of the 'eighteen acre plantation' to the immediate north, 'Morass Wood' and 'Brickyard Plantation' further to the north and on more elevated ground 'Eight Acre Plantation'. Further woodland is found to the east, in the form of the 'Hundred Acre' Plantation and to the south-east, 'Lapwing Plantation'.

Prater's Bridleway (MELW40) runs along the site's western boundary – which extends to 20m+ in width at its midway point opposite the site.

In addition to the aforesaid Prater's Lane Bridleway which runs from Sandridge Common (off the A3102) passing Totterdown Farm before joining up with the A365, MELW25 Bridleway runs close to the site's southern boundary and connects off 'Prater's Lane' before leading on further east and north-eastward becoming MELW25a. Close range views would be obtained from 'Prater's Lane' and along parts of open sections of MELW26 which is about 350 metres to the west of the site; and, some filtered/unfiltered close to mid range views of site would also be obtained from BROM42, SEEN33 and ROWD22 PROWs to the east and north east of the site.

Mid to long range views of the site are largely reduced by topography and dense landscape planting, however some views of the solar installation would be obtained from the A3102 (located to the north). Other transport corridors of interest include the A365 (located 1km to the south), the A350 (located about 2.5km to the north west), the A342 (over 3km away to the east); and the A361 (which is located just over 2km running west to east south of the site). Longer range more obscured views would be available from Durrett Road (the C255 to Bromham) looking westwards; with more obscure/filtered views being gained from Seend Cleeve, Pelch Lane, Cock Hill Road and the C242 Berhills Lane as well from parts of Seend village. In addition, the Mid Wilts Way long distance footpath is approximately 1.6km to the south of the south (at its closest point) and runs along the Kennet and Avon Canal. The Regional North Wiltshire Rivers Cycle Route (designated as National Cycle Route No. 403) is located about 1.1km away to the north (at its closest point)

The landholding is not subject to any national restrictive landscape, heritage or ecological designations. The Spye and Bowood Parklands Special Landscape Area, a local designation, is located to the north and north-east of the application site. In addition, within 2km of the site, there is an area of land to the south-west of Spye Park which is designated as a site of special scientific interest; and the AONB designation capturing Roundway Down is some 5km to the east.

Wiltshire's Landscape Character Assessment defines the site as forming part of the 'Avon Open Clay Vale' – which is characterised as being predominantly "a level, open area with views to the higher ground of the Limestone Ridge to the east. Land is predominantly intensively managed permanent pasture with some arable and small isolated pockets of

meadow...Hedgerows, gappy or low flailed in places, enclose fields of varying size...Sections of the area remain rural and tranquil despite major routes travelling through...[and modern large scale urban development and dispersed] farmsteads". The West Wiltshire Landscape Character Assessment gives refines the designation as 'Melksham Open Clay Vale' which identifies the above characteristics and specifically highlights the mixed use farmland character with and medium scale field patterns and a comprehensive footpath network and scattering of brooks and stream corridors but with vertically dominant electricity pylons stretching across the landscape.

Clackers Brook passes within 200m to the south of the site, flowing westwards towards Melksham. Two watercourses rise within the site boundaries with both draining westwards towards Snarlton Farm (the site owner), which converge with Clackers Brook beyond the outskirts of Melksham.

The application falls within the Melksham Without Civil Parish, however, in recognition of mid-long range views and potential cumulative impacts across the valley from adjoining Parishes, an extended cross boundary parish planning consultation exercise took place.

Although now predominantly put to agricultural use, several hundred years ago, the environs were heavily forested when it formed part of Blakemore Forest. Nowadays, alongside the pasture and arable land uses, a double rank of electricity overhead power lines and pylons dissect the site on a north-west – south-east axis. Apart from the three farmsteads which comprise the application landholding, Sandridge Tower is the nearest private dwelling not within the control or ownership of the landowners/applicants, and is located some 270 metres away to the north of the site. Other nearby sensitive receptors are identified and have been the subject of a rigorous assessment by both the applicant's consultants and Council officials.

4. Planning History

95/00434/STU - 132,000 volt electricity power line refurbishment – a statutory undertaker notification submission in July 1995.

5. The Proposal

Detailed planning permission is hereby sought for a ground mounted solar PV renewable energy development to convert sunlight into electricity. The proposed PV installation would have the capacity to generate up to 44MW of electricity which would be fed directly into the power grid. The applicants assert that the scale of the proposed installation could service the needs of over 11,000 average UK homes (the equivalent of a town like Melksham).

The proposed solar farm development has been subject to extensive negotiations and consultations following a pre-application process and adopting an EIA Screening Opinion. The proposed solar plan comprises the installation of approximately 170,000 panels of a matt dark blue hue set out in rows orientated in a manner to maximise sunlight and electricity production. The arrays would be 'passive' / fixed i.e. they would not track the sun's path. The final choice of panel manufacturer has not yet been confirmed since prices and availability of panels fluctuate. However, the developer has indicatively identified a product by Canadian Solar which is designed to be highly anti-reflective to produce a high cell efficiency of up to the

21.2% for the 260 W (p) panel units consisting of 60 polycrystalline silicon PV cells with the manufacturer claiming to “*deliver 10% more electricity than conventional solar modules*”. The solar PV installation is expected to have a 25 year lifespan with decommissioning planned for the 26th year, at which point, the infrastructure would be removed over a 3-4 month period.

The mounted PVs would be erected 2.5 metres above ground level fixed at approximately 20 degrees (to the horizontal) with up to a maximum 1.4 metres clearance underneath. The mounting system would be secured to central vertical legs piled into the ground. The piling system requires no concrete; and as such, following the decommissioning stage there would be no foundations requiring removal.

To convert the direct current (DC) the panels generate, inverters are required to turn the DC into alternating current (AC) which can be fed into the national grid. Located close to the arrays and connected via underground cabling, there would be thirty inverter cabinets housing one transformer which would allow the voltage level of the closest grid access point to be achieved. As part of the proposal, the developer wishes to retain the option of substituting the inverters with mini inverter boxes which could be mounted to the frames beneath the panels (which would be subject to a final electrical design configuration assessment).

The transformers would be connected to a proposed on-site electrical sub-station to facilitate a 132kv connection to the electricity distribution or transmission network via an existing on-site pylon.

The 132kv network connection necessitates having an on-site sub-station which would be 7 metres high and approximately 10 x 15 metres set within its own designated secure compound to accommodate all the necessary electrical equipment. The modular sub-station would be clad in a recessive green and would require a concrete foundation with all cabling underground. This entity would be separately fenced around the perimeter for extra protection.

Two metre high deer park fencing coated in a recessive green would be erected around the perimeter of the site and strategically positioned infra-red activated security cameras (sited circa 50 metres apart) affixed onto 4m high (max) poles to provide required on-site security and deter human interference as well as to satisfy insurance liabilities. There is however no planned lighting proposal for the site/development.

The hedgerows that bound the site would be retained as a natural security and visual perimeter – which would be managed to be grown to 3 metres in height in order to enhance site screening from PROWs and public vantages. A gap of 5 metres between the hedgerows and the deer fence would be maintained. The applicant also proposes to plant new hedgerows and where existing hedging is low or sporadically vegetated, enhanced planting is proposed.

The proposed development avoids gas, water and drain features. A buffer is planned to avoid any interference with the 400kv National Grid transmission line which runs across the eastern part of the site.

The projected on-site construction period is expected to take approximately 3-4 months and the access and transportation of all associated equipment is planned to approach from the A350, south of the M4, then via the A365 south of Melksham (avoiding Melksham's town centre) and on to the A3102 with the site to be directly accessed via an existing gravel track. No abnormal loads are expected since all projected 620 deliveries (6-8 per day and to be spread out over the 3-4 month timeframe) would be provided by regular HGVs.

During the construction period, the development would involve the creation of a temporary 'construction/storage' compound in the north-west part of the site located close to the proposed access route. The compound would be entirely removed following the completion of works since solar PV panels would be located over it. The construction access area would be temporarily fenced off from the rest of the bridleway during the construction period to enable users of Prater's Lane to continue to use it safely and be separated from any vehicle movements. The applicant also proposes to use a temporary road surface, should ground conditions necessitate it, taking the form of robust ground mats/plates. As part of the post construction management of the site, any disturbed ground would be re-instated and seeded.

Through the submission of legal papers, the landowner/applicant has proven rights of access to use the bridleway as a means of accessing the site. Although a parcel of land was transferred to the Council in 2003, full rights of access were reserved by the landowner (Mr Richard David Stainer). In planning terms, there is no dubiety over the right of accessing the site via the bridleway. Within the site, new tracks are proposed to facilitate access to the electrical sub-station. However, once operational, only small tracked vehicles and maintenance staff would need to access the site on an infrequent basis.

For the record, a separate access option (positioned parallel to the existing track located to the south of the A3102) was identified by the applicant if access along the bridleway (Prater's Lane) was to be denied. This fallback proposal is however not necessary.

The construction phase is proposed to be broken down as follows:

- The maintenance of hedgerows and erection of deer fencing/gate;
- The preparation of onsite tracks and lay-down areas (to receive deliveries and for temporary storage purposes);
- The delivery of panels and associated infrastructure;
- Temporary welfare amenities provided for the on-site work force;
- The installation of frames and panels, sub-stations, and cable laying;
- Commissioning of panels and grid connection;
- Site re-instatement and ecological enhancement and demobilisation from site.

It should however be noted that many tasks can be undertaken concurrently in order to minimise the duration of construction and any disruption.

It is also necessary to stress that in line with the NPPF, applicants are not duty bound to demonstrate any need for their renewable low carbon energy scheme. The applicants have however considered alternative renewable energy generators for this site within their Environmental Report. It is reported that a wind farm development was discounted due to on-site constraints and the visual impact wind turbines would have. Other technologies were discounted on the grounds of potential noise and air quality nuisance – which would interfere with agricultural and residential uses.

Taking a sequential approach, the applicant has given consideration to other sites, but the applicants assert that the project requires a suitable grid connection point and through detailed on site evaluation and discussions with the Scottish and Southern Energy, this site has the capacity to accept such additional loading on the overhead lines crossing the site. The physical final grid connection (from sub-station to power cables) would however be subject to a separate application to the Distribution Network Operator (DNO) – Scottish and Southern Energy before any connection can be made.

Although the application is not EIA development requiring an Environmental Statement, the applicants have commissioned and produced a comprehensive Environmental Report which inter alia, assesses landscape and visual impacts, socio-economic impacts (jobs, tourism), environmental benefits, infrastructural / highway impacts, flood risk and pollution concerns, noise and vibration, as well as cultural heritage and ecology impacts. Also accompanying this application, the applicants have submitted a Design and Access Statement, a Planning Supporting Statement and a Geophysical (Archaeological) Survey Report.

Public Consultation – Prior to the formal submission of this application, invitations were sent to 377 properties within a 2km catchment of the site on 7 October 2013 giving notice of a public consultation event which took place on 23 October 2013 at Melksham Town Hall between 3-8pm. Councillors (both parish and unitary) and interest groups were invited to a preview of an exhibition, with the joint purpose of providing local people an opportunity to view and provide comments on the principle of renewable energy, particularly solar power and the Snarleton Farm site in detail.

A briefing document about the proposal was sent to the local MP, Wiltshire Council's Leader, Deputy Leader, Members of Cabinet, Ward Members for Melksham Without North and South, Members of the Western Area Planning Committee and Members of the Melksham Area Board, It was also sent to Melksham Without Parish Council, Bromham Parish Council, Rowde Parish Council, Seend Parish Council and Melksham Town Council. The following interest groups were also included: Bath Greenpeace, Transition Bath, North Wiltshire Friends of the Earth, RSPB South West Regional Office, Melksham Climate Friendly Group, Wiltshire Wildlife Trust, Bradford on Avon Climate Friendly Group, Wiltshire Clean Energy Alliance and Chippenham and Village Environmentalists.

A second press release was issued on 29 October in order to provide feedback to the public and inform them of the applicant's closing date for the pre-application consultation period (5 November). All raised concerns were duly taken on board which led the applicant's design team to highlight key themes which the submitted documents seek to address.

Local Community Incentive - It should be noted that whilst not a material planning consideration, the applicants are proposing to offer an annual community fund of £1000 per

MW of installed capacity, which would equate to some £44,200 per annum to benefit people living within a 2.75 km radius of the centre of the site – with the monies to be spent on initiatives or projects which provide environmental, social or economic benefits. The applicant proposes to make such a contribution either to a locally appointed Trust or to divide the fund between the elected parish/town councils within the 2.75 km catchment area on a pro-rata basis according to the number of households. It is stated that payments would be made at the end of each financial year for the life of the installation commencing from the end of the first year after the energisation of the solar farm. In total, the proposed local community contribution could potentially generate over £530,000.

Through an open dialogue with local community and the parish councils, the applicant asserts that subject to obtaining planning permission, the legal terms of the community benefit scheme would be discussed and agreed directly with local representatives. From the published documents and from speaking with several stakeholders, it is clear that the applicant is committed to engaging with the local community and setting up such a fund. It must however be duly noted that any financial agreements reached between the developer and the local community must be separate to the assessment of this planning application, since financial incentives are not a material planning consideration. It is perhaps worth noting that financial contributions are only material considerations when they form part an adopted CIL mechanism and/or satisfy legal tests to which all obligations must accord.

The Applicant's Rebuttal to Journalistic Interview Inaccuracies – The applicant has drawn attention to a BBC Radio Wiltshire broadcast on 5 December and a published article in the Sunday Times dated 8 December 2013 covering this application within which, the applicant asserts there were factual inaccuracies in terms of the siting and the topography. The applicant also refutes opposition claim that the site can be viewed from Roundway Hill, north of Devizes and Caen Hill Locks. The applicants further submit that a robust and professional Landscape and Visual Impact Assessment has been produced taking into account a dozen viewpoints (which were identified following an open dialogue with both the LPA and the local community).

6. Planning Policy

West Wiltshire District Plan 1st Alteration (2004) (WWDP)

Policy C34 - Renewable Energy; Policy C1 - Countryside Protection; C3 – Special Landscape Areas; C6 – Areas of High Ecological Value, Regionally Important Geomorphologic Sites, and sites of Nature Conservation Interest; C6a - Landscape Features; C15 - Archaeological Assessment; C31a - Design; C32 - Landscape; C35 - Light Pollution; C38 - Nuisance; and, E9 - Agricultural Land; T12 - Footpaths and Bridleways.

West Wiltshire Leisure and Recreation DPD (2009)

CR1 - Footpaths and Rights of Way

The Emerging Wiltshire Core Strategy (eWCS)

Strategic Objective 2: Addressing Climate Change and Strategic Objective 5: Protecting and Enhancing the Natural, Historic and Built Environment. Core Policy 15 – Melksham Community Area; Core Policy 42 - Standalone Renewable Energy Installations; Core Policy

50 - Biodiversity and Geodiversity (which is identified to replace WWDP Policies C1, C6 and C6a); Core Policy 51 - Landscape; Core Policy 52 – Green Infrastructure; Core Policy 58 - Ensuring the Conservation of the Historic Environment

Government Guidance

The National Planning Policy Framework (NPPF)

National Policy Statement for Energy Infrastructure (NPS)

Due consideration can also be given to the following:

The 2009 Renewable Energy Directive (2009/28/EC) – setting a target for the UK to achieve 15% of its energy consumption from renewable sources by 2020.

Coalition Government's Programme for Government (June 2010) – addressing climate change and maximising the exploitation of UK's renewable energy resources.

National Renewable Energy Action Plan (July 2010) - all about securing energy supplies.

The International, European and UK Renewable Policy Frameworks – providing financial support for renewable including feed in tariffs, unblocking barriers to delivery and seeking to develop emerging technologies

Planning Practice Guidance for Renewable and Low Carbon Energy - published in July 2013 by DCLG

Renewable Energy Progress Report: South West 2013 Annual Survey

UK Solar PV Strategy Part 1: Roadmap to a Brighter Future – published in October 2013 by Department of Energy & Climate Change – established 4 guiding principles:

Support solar PV alongside other energy generation technologies in delivering carbon reductions, energy security and customer affordability; 2. To meet the UK's 15% renewable energy target from final consumption by 2020 and decarbonisation in longer term; 3. Ensure solar PV are appropriately sited, giving proper weight to environmental considerations; and, 4. Support for solar PV should assess and respond to the impacts of deployment on grid systems balancing, grid connectivity and financial incentives.

'The State of the Environment Wiltshire and Swindon 2013' – published by the Wiltshire Wildlife Trust

Planning Guidance for the Development of large scale ground mounted solar PV systems

Gregory Barker MP – Minister of State for Energy & Climate Change letter dated 1 November 2013 titled Solar Energy.

7. Consultations

Melksham Without Parish Council – Supportive subject to conditions. Landscaping and adequate controls should be covered by condition to ensure that the development access is restricted during the Forest and Sandridge School opening/closing times to protect pupil safety. A further condition is necessary to protect Prater's Bridleway to ensure it remains

usable at all times for walkers and riders. The A3102 road surface should be maintained clean throughout the construction period.

Melksham Town Council – No objections.

Bromham Parish Council – Supportive.

Seend Parish Council – Objects raising concerns about the loss of farm land for food production and pollution of land; the lack of policy on solar farms and visibility in a rural landscape; as well as citing concern about the number of applications for solar within a five mile radius of Seend.

[NB: It is recorded that the Parish Council took a vote on the application which led to 5 Councillors voting against the application and 4 Councillors in favour of it].

Wiltshire Council Spatial Planning Team – No objection - subject to appropriate assessments which should demonstrate any impacts and where appropriate consider mitigation measures. The production of renewable energy, including solar PV, is supported in principle by adopted and emerging spatial planning policy. WWDP Policy C34 supports renewable energy proposals in appropriate locations having regard to a number of criteria relating to landscape character and visual impact, the effects on the natural environment, ecological, archaeological interests and heritage impacts. Public amenity, highway safety and pollution are also material issues. Emerging WCS Policy CP42 encourages and supports standalone renewable energy installations including ground mounted solar PV projects subject to a thorough review of the impacts. In this regard, the expert views of the Council's strategic landscape officer should be given careful consideration.

The proposed site is not located within any designation by either the adopted WWDP or the Emerging WCS. The potential effects are likely to centre on the size of the installation (including cumulative effects resulting from other proposed/approved installations) on the natural environment and landscape character.

The North Wessex Downs AONB is within approximately 5km and further to the north (on higher land) is Spye and Bowood Parklands which are designated as Special Landscape Areas. Morass Wood, which is located adjacent to the application site, is designated as a Site of Nature Conservation Interest and is a County Wildlife Site – designated for its ancient woodland.

WWDP Policy C1 aims to protect, conserve and enhance the countryside through positive controlling development. Development in the open countryside can be supported where they “*encourage diversification of the rural economy*” or which are considered to an overriding benefit to the local economy. Emerging WCS Policy CP51 states that “*proposals should be informed by, and sympathetic to, the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. Proposals for development within or affecting AONBs...should have regard to the relevant Management Plans for these areas. Proposals for development outside of an AONB that is sufficiently prominent (in terms of siting and scale) to have an impact on the area's natural beauty, must also demonstrate that it would not adversely affect its setting*”. In this regard, the expert views of the Council's strategic landscape officer should be given careful consideration.

WWDP Policy C3 (relating to Spye and Bowood Parkland Special Landscape Areas) requires the landscape character to be conserved and enhanced. A development should not be supported if it would be detrimental to the cited protected landscape.

WWDP Policy C6 stipulates that development proposals *“in or near...SNCIs will not be permitted if considered harmful to the ecological interest of these...habitats or if it would result in the serious loss of flora and fauna, unless there is no suitable alternative or if other material factors are sufficient to override the special nature conservation interest. Where development is permitted, proposals will be subject to conditions or planning agreements that prevent damaging impacts on wildlife, habitats or important physical features”*. It is important to record that Policy C6 allows development that would have an adverse effect on landscape features, if there are overriding benefits to outweigh the harm.

The NPPF and the Emerging WCS Policy CP50 expects high level of scrutiny to be placed upon nature conservation, biodiversity and geological value so that they are *“retained, buffered, and managed favourably in order to maintain their ecological value, connectivity and functionality in the long-term. Removal or damage shall only be acceptable in circumstances where the anticipated ecological impacts have been mitigated as far as possible and appropriate compensatory measures can be secured to ensure no net loss of the local biodiversity resource”*.

There are public rights of way adjacent to the site, which are classed as ‘green infrastructure’ in the Emerging WCS. It is essential that measures must be put in place to retain these links and *“if damage or loss of any green infrastructure is unavoidable, the creation of new or replacement green infrastructure equal to or above its current value and quality, that maintains the integrity and functionality of the green infrastructure network, will be required”*.

Wiltshire Council Strategic Landscape Officer – No objection.

The change associated with the development of a solar farm over such a large area (encompassing 17 fields) has the potential to create adverse effects upon the local landscape character and the visual appreciation of the landscape by those living in or visiting the area. New elements in the landscape would comprise solar panels (max. height 2.5m), the inverter housing and an electrical sub-station measuring 7m and associated open air equipment/fencing; as well as site perimeter deer park fencing 2m high and the proposed access track.

There would also be additional effects during the construction and decommissioning phases in the form of delivery vehicles, construction plant and welfare provision, and fencing along the bridleway, although it is recorded that this would be over a short temporary period.

In order to understand how the proposed development would affect landscape and visual receptors it was agreed by this authority that a Landscape and Visual Impact Assessment (a LVIA) should be submitted with the planning application. The scope of the assessment and representative view points were agreed with Wiltshire Council’s Landscape Officer at a pre-application meeting. The submitted LVIA has been prepared in accordance with current best practice and represents one of the best reports that this authority has received for a solar farm development thus far. The outcome of the assessment is described in brief below:

Landscape Baseline

The landscape value is assessed as medium to low recognising that the area has scenic quality; redeeming landscape elements e.g. trees, woodland, hedgerows; it is valued locally as footpaths are well used; however there is a loss of tranquillity from the A3102, and the land has been intensively managed and electricity cables and pylons are visual detractors.

The landscape sensitivity to development is assessed as medium to low as the surrounding hedges and woodland provide a substantive form of enclosure reducing intervisibility with adjoining landscape; manmade features (pylons) crossing the site; and there is a moderate to low density of sensitive landscape areas/features.

Landscape and Visual Effects Construction Stage (which applies to the decommissioning stage also)

The overall landscape effect during the construction period (short term) is considered moderate adverse. In terms of landscape character the physical characteristics (landscape elements) would be unchanged but there would be a loss of tranquillity due to construction processes, movement and traffic. There would be a loss of the agricultural character to one with solar elements and other paraphernalia associated with construction e.g. stock piles, heavy plant and site works. The visual effects during the construction are considered to be adverse but only temporary, and would predominantly affect receptors on PROWs close to the site.

Landscape and Visual Effects Operation (the 25 year period)

Overall, the landscape effects are considered to be slight adverse. The character of the landscape would change. The introduction of 'new' built elements would create a new landscape pattern, texture and colour. The retention of existing landscape elements, strengthening of existing hedgerows through gapping up and tree planting would however provide local enhancement. The fields would be returned to grazing following the construction period, thus giving some perception of a managed agricultural landscape. In terms of visual effects, the closest residential property to the north (known as the Heights) would retain direct views over the site during operation, and the impacts are assessed as moderately adverse. Furthermore, there would be glimpsed views from the A3102, particularly when travelling towards Melksham; and especially from elevated positions along the carriageway. This is a locally valued view across the clay vale but since the majority of receptors would be from within motorised transport, the impact is assessed as slightly moderate. The local PROWs are well used. Walkers' views of the site would be largely screened by existing and proposed vegetation. Horse riders would however continue to get views onto parts of the site because of their high position in the saddle. Views to and from Seend would be retained although the site would continue to be seen within a wide panorama and the impacts here are assessed as slightly adverse.

Mitigation

Within the submitted Environmental Report, Figure 8.5 titled as the "Habitat Protection, Creation and Management Plan" clearly sets out all the operations for landscape and ecological mitigation. The gapping up of existing hedgerows and managing them at 2.5 – 3m heights would contribute greatly towards enhancing local landscape character and lessening views onto the site. 3m high hedgerows would substantially reduce the visual effects for horse riders in the summer months although views would be opened up more in winter. The

existing woodland and tree belts outside the application parameters provide important visual mitigation which also acts as a buffer between the site and the Special Landscape Area to the north. The letters received from the owners of these plantations are considered useful in terms of appreciating their mid-long term management. Any loss of the existing woodland, plantations and woodland belt, for whatever reason, would have substantial adverse effects for landscape and visual receptors.

Cumulative effects

It is noted that cumulative effects are likely to be experienced by horse riders because of their elevated position but the experience would be sequential rather than combined. This particularly applies to MELW25 as it runs through the Craysmarsh solar PV site (which is a much smaller installation covering just over 4 hectares) and along the currently unplanted section of the Sandridge site.

Overall

The conclusions reached and outlined within the submitted LVIA are supported in terms of stipulating that the landscape and visual effects of the proposed solar farm would not be far reaching. Users of the adjacent and local PROWs and the residents of the Heights would be most affected, however the impacts are not considered substantially harmful to warrant a refusal on landscape grounds. Due to the generally flat topography and the existing vegetation that encloses the landscape, there are relatively few viewing opportunities onto the site from higher ground. A sound mitigation and enhancement strategy has been presented with this application, which should be conditioned to ensure its delivery.

To lessen the potential conflict between users of the bridleway and construction traffic the recommendations of the British Horse Society have been sought. Recommendations include having a 4-5m wide cut path to allow users to pass safely, a suitable surface for horses, traffic restrictions to avoid times when equestrians are likely to be about (although it is accepted that this last aspect would be difficult to detail, monitor and enforce).

Following decommissioning there will be no residual landscape and visual effects, although there would be an overall enhancement in landscape character due to the development of the proposed mitigation planting.

Wiltshire Council Ecologist – No objections subject to conditions.

The development will not affect any ecological features greater than local importance. Nevertheless, the extent of potential impacts is considerable. A number of Biodiversity Action Plan habitats and species exist across the site and the Council has a duty to conserve these under Section 40 of the Natural Environment and Rural Communities Act (2006). The BAP habitats found within the site include hedgerows, which are abundant and form a good trans-migratory network, and a single small piece of woodland and tree belts. Four mature trees found on site are noted as having potential for bat roosts. The silted up pond located within the site boundary and the ditches whilst having limited intrinsic ecological value in their own right, are nevertheless located close to the hedgerows and probably enhance the invertebrate resource for farmland bird communities and should be considered as part of the wider hedgerow habitat network.

Given the grassland (including mixed species grassland) and arable habitats, it is likely that a number of farmland species use the site over the year including declining BAP species such as turtle dove, corn bunting, tree sparrow and grey partridge. Depending on the crop sown, it is also possible that ground nesting birds could breed successfully on occasions. On account of the current national concern for farmland birds and the scale of this development, these ecological receptors should be considered to be of local importance rather than site value.

A small population of great crested newts was found in a pond 50m to the south of the site. During the course of the planning consultation process, a series of discussions took place with the applicant's agent to identify appropriate ecological mitigation measures (which are recommended to be covered by condition) to ensure suitable consideration and protection is given to the local newt population. The applicant's plan to restore the pond on the site is fully supported. The proposed restoration works shall be carried out during the construction phase of the project under the supervision of a suitably experienced Ecologist. It has been further agreed that cutting back of the hedgerow vegetation on the southern aspect of the pond should be done by hand held equipment. The managed hedge should also avoid casting shadows onto the restored pond between spring and autumn months. The cuttings arising should be used to create brash piles beside the adjacent hedgerows. This cut back area should be maintained as part of on-going hedgerow management of the site. Silt residue shall be removed (leaving approximately 1/4 in place) with a mechanical excavator, and spread by muck spreader (or equivalent) over the adjoining fields, or on other land under the same ownership. The pond profile should be modified to create gently sloping sides to provide a range of aquatic conditions. A deeper area in the north shall be created to ensure and prolong the presence of water during the summer months. The dimensions of the restored pond would be 5m wide by 12m in length, and 1m at its deepest point.

It is also welcomed that belts of rough grassland shall be allowed to develop beside the hedgerows and pond, which will significantly enhance the connectivity of the terrestrial newt habitat.

During the construction period the most likely risks to ecological interests would be damage caused to hedgerows / trees and their root zones from vehicle movements and cabling, sediment runoff causing pollution to water bodies and injury/disturbance to breeding birds. Impacts could also potentially occur to great crested newts during their terrestrial phases. However, most of these impacts and others are addressed through the Habitat Protection, Creation and Management Plan – which is an excellent submission which concisely summarises works required during the construction and operational phases. It is further noted that there would also be a temporary loss of small sections of hedgerow to facilitate the erection of fencing and new gateways; but this would be more than compensated for by the proposed planting of 470m of new species rich hedgerow.

From an ecology stance, appropriate mitigation has been identified and it is necessary to stress that there would be a degree of overall improvement for biodiversity interests compared to what exists at present. The sowing of species rich meadow over the area indicated, provided it is not intensively grazed, shall deliver real benefits for breeding birds in terms of a diverse food resource as shall the additional planting of 470m of species rich hedgerow. Rough grassland around the field perimeters shall deliver nesting and foraging habitat not only for birds but for reptiles, amphibians and mammals. The restoration of the

on-site field pond has the potential to create a permanent new breeding pond which may help to secure the future of the off-site newt population.

Natural England – No objections. This application is approximately 3k from Spye Park SSSI. Natural England is satisfied that the proposed development, as submitted, would not damage or destroy the interest features for which the site has been notified. The SSSI does not therefore represent a constraint in determining this application.

The proposed development does however have the potential to make a positive contribution to local biodiversity, which could benefit the notified features of Spye Park SSSI. Any mature trees on the site should be retained, and where possible, for any planting to use native species to enhance habitat linkages to the SSSI and surrounding woodlands.

The proposal does not appear to be in, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by the Authority's landscape character assessment where available, as well as the policies protecting landscape character in the local plan or development framework.

Wiltshire Wildlife Trust – No comments.

Wiltshire Council Archaeologist – No objection.

English Heritage – No objections. The associated supporting documentation demonstrates that a robust analysis has been carried out identifying the surrounding heritage assets and consideration of potential impacts. Within the 5km study area there are a number of highly graded listed buildings, however, the proposed development would not result in a significant impact on these heritage assets. Whilst there may be some intervisibility between the application site and some heritage assets, the respective distances involved and screening are such that there will be little or no impact on the significance of these assets, and no impact on any significant designed views or vistas.

Wiltshire Council Conservation Officer – Shares the same view as English Heritage in raising no objection. The submitted heritage assessment is fully accepted in terms of its analysis and consideration of the broadly neutral impact the proposed development would have upon heritage assets. Where there is an element of harm, that harm would be minimal with one instance of moderate harm.

It is recorded that English Heritage have submitted comments relating to the impact on the higher grade listed buildings and the Conservation Areas and have raised no objections. There is no reason to dispute such a view. The surrounding Conservation Areas are centred in villages and are, by character, inward looking and designated for their collection of buildings and not for their appearance from the countryside. In any case, the Conservation Areas are screened from the application site by intervening newer development around their edges, robust landscape hedgerow and tree plantations and natural topography.

The impact on the nearest Grade II listed buildings is likely to be of more significance. Sandridge Tower is the closest listed building at 270 metres away to the north. However, the adjoining woodland is likely to remove most of the impact, and the letter received from the landowner of the plantation advising of its mid-long term retention is duly noted and

welcomed. Blackmore House, located some 300 metres to the west, is a farmhouse surrounded by farm buildings and is therefore unlikely to have its setting disrupted by this solar development. Tanhouse Farm, located some 300 metres to the south across mainly flat land is likely to be subject to the greatest impact, however this is a farmhouse with farm buildings to the north. These farm buildings are therefore in-between the listed building and the application site – which would serve to visually screen the listed building from the site.

In addition, the mitigation planting proposed around the site, including the plan to allow hedgerows to develop should lessen the above impacts on the settings of those heritage assets. Landscaping conditions should be imposed to ensure the mitigation is put into effect. A further condition should be imposed to require the removal of the apparatus if it ever falls out of use.

Wiltshire Council Highways - No objections subject to pre-commencement conditions relative to the submission of a robust construction traffic management plan; and provision of necessary visibility splays along the A3102.

Environment Agency – No objections subject to conditions and informatives.

Wessex Water – There is an existing public water supply transfer main crossing the proposed access to the solar PV site. If permission is granted, protection measures should be applied. Such protection measures relate to protecting the water mains from extra load bearings caused by construction traffic. Measures will vary depending on the amount of existing cover over the main and frequency and nature of construction traffic. Measures typically include lowering / diversion of the mains or concrete slab protection and as such, this needs to be agreed between the developer and Wessex Water.

Wiltshire Council Public Protection Team – Following negotiations with the applicant's agent, the applicant's environmental consultants produced noise specification data for the extractor fan serving the proposed 132kv sub-station. The maximum sound pressure level (65Db) is acceptable given the separation distance to the nearest noise sensitive receptor. The sound pressure level of the transformer/inverter stations (51Db at 1m distance) also raises no noise related concern on the grounds that any generated on-site noise shall be inaudible/undetectable above background noise by the time reaches the closest noise receptor. Given the location of the sub-stations and the distance attenuation set back from domestic properties, no objection is raised with respect to noise pollution/nuisance.

Wiltshire Council Green Economy Team – Fully supports this application. Wiltshire currently has 124.5MW of approved capacity spread over 23 applications on 303 hectares of land across the County. Quantifying the installed capacity is more difficult to confirm as we do not gather such data but instead rely upon RegenSW's annual return, which itself derives from feed in tariffs and the DECC returns. However, the latest published data (dated April 2013) reveals that Wiltshire (excluding Swindon) has an installed Solar PV capacity of 48.7MW across the County's total installed renewable capacity of 61.8MW.

Electricity Board (Scottish & Southern Electric) – No comments.

8. Publicity

The application was advertised by site notices / press notice and extensive neighbour notifications (amounting to over 100 individual notices).

Expiry date: 27.12.2013

Two petitions fully supporting this application were received on 24 January 2014 with 120 signatories and 60 signatories on 11.02.2014

The Melksham Community Area Partnership 'wholeheartedly' supports this application. The solar development shall benefit the land, the wider community and creating carbon free electricity generation. It shall have a low visual impact on the environment.

The Melksham Climate Friendly Group lends its full support to the proposal which would utilise low grade land of low ecological value. It would not affect adjacent/nearby properties and would be screened within the landscape. The anticipated yields are impressive providing a major contribution towards Wiltshire's 15% renewable target.

Melksham Energy Group – Strongly supports the application arguing that the site is suitable for the development which is sensitively planned and all reasonable queries and concerns have been addressed by the developers.

The Wiltshire Clean Energy Alliance supports this application. The Alliance is a group of local residents, businesses and community groups from across Wiltshire and beyond (representing 35 different groups) and sees this project in a favourable light in terms of its generating capacity and through recognising that Wiltshire shall need to rely more upon solar PV to meet its targets. The designed scheme is sensitive to its environment and would be well screened with good proposals for ecological enhancements. When the solar farm comes to the end of its useful life, the land can be easily restored.

The Climate Friendly Bradford on Avon Group strongly supports this application arguing that if rising carbon emissions and consequent damaging climate change are to be addressed, Wiltshire needs to play its part in installing clean renewable ways of generating power. In addition to retaining some agricultural use of the land, wildflower planting should be considered to enhance biodiversity interests. The community benefit offer is important and the education benefits are to be commended.

Pewsey Environmental Action Team – Supports this application on the grounds that it shall make an important contribution to local and national renewable energy targets. The land is of low grade value, ecological improvements shall be introduced and sheep grazing shall retain agricultural use. This is a temporary installation that is well situated and well screened.

Landowners of Eighteen Acre, Eight Acre Plantations and Memory Wood – The three landowners of the cited woodlands wrote in to confirm that they have "*no intention, or reason, to fell/harvest these plantations for the foreseeable future, apart from good woodland management*" purposes.

55 individual letters raised the following additional means of support:

- The site is ideal for a solar PV installation – using low grade farmland (Grade 4) which for parts of the year, has little productive value, but is south facing and well screened with sheep grazing (agricultural use) to continue.
- This development is a key component of Wiltshire Council meeting its renewable energy targets and is another welcome addition to having a clean energy mix. Bradford on Avon has had a well planned, well constructed solar farm (in the Green Belt) for 3 years now with no adverse effects and very little negative feedback. With wind power having been made virtually impossible by Wiltshire Council's blanket separation policy, solar is really the only effective way of Wiltshire providing any meaningful contribution towards clean energy.
- The International Energy Agency have stated that we need to leave most fossil fuels in the earth if we are to avoid a dangerous 2 degree increase in temperature by 2050.
- Whilst solar farms may be induced by Government subsidy, this technology will benefit us by supplying electricity not linked to the price of fossil fuel extraction and electricity production.
- The development would have little negative impact on the local environment. Any impacts are entirely reversible.
- The power generated would be sufficient to serve the needs for a town the size of Melksham.
- We have waited too long to implement this technology which saves fossilised carbon from being released into the atmosphere.
- This low profile development includes plans to enhance biodiversity habitat potential which should be supported.
- Solar PV is more predictable and less obtrusive than on-shore wind generating installations. We should not support fracking.
- There can be no objection to seeing solar panels in the field. It is unrealistic to expect all infrastructure to be hidden from view in a small and populated country.
- The project is a temporary development, but we cannot ignore the medium and long term impacts of global warming and the over-dependence upon fossil fuels.
- Solar installations offer a good way for farmers to diversify their income which can help preserve the agriculture landscape in the long run.
- This development would provide more jobs and would heighten the green credentials for the area – which should be seen as a quality. We have a duty of care for future generations.
- Objectors to such proposals would seemingly prefer to see England's green and pleasant land slowly disappear beneath rising waters.
- The proposal would not be seen by Seend parishioners.
- Opposition raised to NIMBY arguments.
- The land can be restored once the solar installation ceases.
- One letter writer even argues that it would be waste of resources if it is removed after 25 years unless another one is constructed.
- One supporter asserts having installed a solar roof system on a cattle building has out-performed the predicted energy generation and saved about 40% electricity consumption
- Although not a material planning consideration, some supports cite the generous annual community fund offer for the 25 year period shall enable local communities to develop social, economic and further environmental projects.

Two neutral representations were received based on the following:

- One letter writer asserts having no objection to this application but is concerned about using Prater's Lane (PROW) as an access. A separate access road off the A3102 should be constructed to avoid any damage or disruption. Clackers Brook should not be polluted and the surrounding woodland protected.
- Another local resident goes a little further by asserting to be in favour of renewable energy generation and that the site is suitable for a solar PV development, however similar concerns are voiced about using Prater's Lane bridleway and what impact the construction processes would have upon the use of the bridleway and its condition.

In opposition to the proposal, a petition with 304 signatories was received and forty letters of objection (with some two objectors writing more than once) were received based on the following:

- The Council has no strategic plan to identify solar farm sites to ensure there is an equitable spread across all communities. Within a 5-mile radius of Seend, over 550 acres of land is subject to either proposed or permitted solar farms – which equates to about 25% of Wiltshire's 'local' contribution towards meeting the national requirement of 20% electricity generation coming from renewable sources. This is not a fair spread across the County and concerns are raised about cumulative and in-combination effects.
- The Council should adopt a strategy to limit the number and size of such installations in the County and limit the density in any given area.
- Central Government has recently stressed that the effects of reduced amenity should be given more weight when decisions are made and that future solar PV growth should be focused on domestic and previously used land.
- The Government has recently announced that wholesale subsidy and support for these ruinous proposals shall be withdrawn in favour of offshore installations and nuclear – that is the correct path.
- The proposal conflicts with Gregory Barker's (Minister for Energy and Climate Change) statement on solar development and the Solar PV Road Map – which emphasises directing new solar development to brownfield sites.
- The development would be an eyesore of a significant industrial scale which shall interfere and degrade views across beautiful countryside from important vantage points, rights of way and villages – resulting in a brutal cluttering of the landscape by 170,000 panels, substations and 2.5 miles of security fencing.
- There is no commitment to have any screening / additional planting before any panel is installed and any planting scheme shall take many years to develop.
- Following the landscape screening failures associated to the approved marina development outside of Seend, concern is raised about the robustness or effectiveness of any landscaping proposals.
- The site would be impossible to screen in any case, since it can be seen from far afield including Corsham (e.g. the five ways trading estate where one objector works).
- From several public footpaths/bridleways direct views would be gained showing a vast array of black and silver panels.
- Solar PV is an ineffective / uncontrollable way of producing electricity with an efficiency rating of some 12% - It is weather and daylight dependant).

- Solar PV (and wind generators) are not cost effective and needs to be subsidised (which bill payers carry) – another sign of its ineffectiveness. Solar PV is not the answer to our energy problems. Prices on the grid are kept down by optimising gas/coal generation balance. The vast majority of electricity in the UK is produced from gas, coal and nuclear sources (serving 85-90% demand), even where solar and wind farms produce electricity to the grid, they require fossil fuel back-ups.
- Heritage Assets in Seend, Caen Hill Locks and Roundway Hill are at risk, to name a few.
- An objection is raised to using the bridleway (Prater's Lane) to access the site. The green lane would be destroyed forever, if used and covered by a hard track to accommodate construction vehicles for 1 mile.
- An objection is raised to the loss of land needed for our food supplies. The UK imports 38% of its food which is not suitable.
- The site's impact upon aircraft flying in and out of Keevil has not been considered.
- Transportation implications – lorries bringing 170,000 panels to the site shall be disruptive. The entrance is very narrow off Prater's Lane and therefore the alternative field gateway should be used – keeping completely off Prater's Lane.
- Concern raised about land pollution and health risks associated to panel degradation fire risk and chemical leaching.
- The Town of Melksham has not supported the scheme. At the applicant's public exhibition, only 70 people attended out of a population of some 22,000 and of the 70 attendees, 50 returned comments of which 30 voiced support and 20 opposed it.
- Queries raised as why the LPA has in the past refused farmers building a house on agricultural land, but may look to support this 80.5 hectare "ruinous eyesore".
- Should any panel cause glint/glare, the offending panels should be removed.
- There should be no lighting of the site, and any vehicular traffic visiting the site during and after any construction should use dipped / low level lights.
- One objector records that solar farms are not found in Southern France, so why are they proposed here when we get very little sunshine?
- Every effort should be made to identify brownfield sites and roof tops across the County first before green fields are industrialised.
- The landowner has several large farm buildings without any solar panels, why do they not install them on farm roofs?
- Noise pollution concerns.
- 25 years is a substantial timeframe and would equate to the rest of many local resident's lifetimes.
- Concerns are raised about a bond being in place to cover the removal of the site if the developers go out of business.
- Concern raised about the impact this development may have upon tourism. People come to visit to enjoy the beautiful countryside, not stare at solar panels.
- At least ten houses shall be directly affected by this application proposal. Farmers should not be allowed to financially benefit when the land should be managed responsibly for agricultural purposes and protect the wildlife and open landscape.
- One objector suggests that the Council should not pay too much attention to the results of relevant parish councils given that their elected members largely comprise farmers who see their fields as a resource from which to maximise income.
- Any financial incentive offered should not influence the decision making process.

- The wishes of the majority should prevail and have this application refused.
- The developers should be asked to consider ways to lessen the visual impacts.
- One objector questions who the investors and beneficiaries are.
- If the site is to be developed, it should be reduced in size by three quarters.
- If permission is granted can conditions require developers to initiate landscaping and fencing before any panel is installed?

A representation was also received from CPRE – raising the following comments:

- CPRE argues that major solar PV applications should be determined by the Strategic Planning Committee to debate low-carbon energy strategy taking into account potential large scale wind farm sites; and to consider cumulative and sequential landscape and visual impacts.
- CPRE Wiltshire supports the development of solar arrays, in line with CPRE UK, provided their impact is socially and environmentally acceptable to communities in the immediate vicinity and to the wider population of Wiltshire, and conveys economic benefit to the local communities affected.
- In appraising proposals, CPRE follows the advice given in the Roadmap (DECC October 2013), and in the DCLG Planning Practice Guidance (DCLG July 2013), paragraph 15.
- Normally, CPRE would not object to this proposal. However, given the size of the planned development (the largest in UK), with its 170,000 solar panels spread over 199 acres, together with its accompanying control buildings, the cumulative effect when added to other sites (approved and proposed in the immediate vicinity – Broughton Gifford, Craysmarsh, Poulshot, Coulston and Marston) would inevitably change the landscape character of the site, and have a simultaneous adverse impact on the natural scenic qualities of the area.
- It appears that there is no clear guidance to developers or planners within the local planning framework. Guidance should be provided on: Land-use status on reversion; spatial distribution of Wiltshire's target renewable energy capacity (including proximity guidelines); site layout guidelines; developer indemnification of decommissioning; potential long-term leaching of toxic substances from solar arrays into ground water.
- With such guidelines in place it should be possible to more evenly distribute the 'green' energy sites across the county thus preventing the situation currently facing the Sandridge area and minimising the impact on the character of the landscape.

A further representation was received from the Wiltshire Protect Group – advising that they are a pro-renewable group keen to support solar installations in the right locations. The group is said to represent about 100 local people concerned about the number and size of solar farms proposed in West Wiltshire. The group has raised the following further opposition:

- Central Government must turn guidance given to local planning authorities into a coherent policy directive. The Government should impose a moratorium on all solar applications until a robust policy is imposed.

- Instead of looking at applications on an individual basis, cumulative impacts need to be fully assessed. Three solar developments within 5 miles of Seend have been approved or constructed covering over 203 acres generating 30.7MW.
- No research is being undertaken on the effect these proposals have upon the local and national tourist industry.
- Solar PV sites would be far more suitable on brownfield sites, industrial areas, factory roofs, old airfields, MOD land and beside motorways.
- Following the rebuttal statement issued by the applicants on 11 December 2013, Wiltshire Protect notes that the rise across the site is approximately 26 metres.
- No evidence has been submitted by the applicants to confirm that the development site will not be visible from Roundway and Caen Hill, in Devizes.
- Refutes the assertions made in terms of generating capacity. Solar panels only produce energy for a limited period during daylight hours with no capability to store energy. The applicant's assertion that the development could generate enough electricity for approximately 11,387 households (i.e. all of Melksham) is misleading.

A Report in Relation to Landscape and Visual Impacts (submitted by David Wilson Partnership Ltd) on behalf of the Wiltshire Protect Group)

- 1 The development ought to be in scale with the landscape context: Smaller developments suit a more intimate landscape.
- 2 The development should respect the shape of the landscape, for example by avoiding straight edges in irregular landscapes, following local landform / contours. It is asserted that the south facing arrays would overpower the subtle patterns of the landscape and hedgerows.
- 3 For sites that are overlooked by higher ground the design of the site and how it integrates with the landscape will be particularly important: This site is argued to be overlooked by high land to the north and south, and if developed in the manner proposed, would result in a uniform out of keeping mass of development.
- 4 Sites in naturalistic landscapes will be more sensitive to change than sites in areas containing existing hard surfacing or built elements (e.g. urban areas, brownfield sites or large-scale horticulture).
- 5 It is important to ensure that the siting of solar PV development does not harm the special qualities or characteristics of the landscape as recorded in local landscape character area descriptions. Moderate to high adverse impacts are predicted by DWP.
- 6 It is important to ensure that the panels/arrays follow contours and fit within existing enclosure patterns - avoid siting panels that are remote from the rest of the group. Preserve the legibility of field patterns by minimising the number of adjacent fields that are developed and setting PV panels back from the edges of fields. This will also enable effective hedgerow management.
- 7 Solar developments should seek to avoid dominating the character in a local area by maintaining a diversity of land cover types in any one area.

Impacts on Landscape Character

- 8 DWP criticises the submission by not assessing the development against the landscape character type Avon Open Vale (type 12b) as described in the Wiltshire Landscape Character Assessment or recognising / addressing the inherent sensitivities.
- 9 DWP is further critical about this submission in terms of failing to accord with the management strategy for the LCT.
- 10 Further criticisms viz. the geometric arrays being prominent in wide open distant views across the landscape.
- 11 Criticisms are levelled also in terms of conserving the landscape setting of Melksham, hedgerow conservation and their landscape character.
- 12 It is asserted that the LVIA is at odds with the Landscape Character Area consideration of the landscape condition.
- 13 It is asserted that the development would be partially out of character in terms of tranquillity, open views and hedgerow pattern and totally out of character for the site and immediate environs – having a noticeable effect over a wider area and dominant effect locally – to such a degree that the impacts could be considered to be significant adverse impacts.

Visual Impacts

- 14 Whilst it is accepted that an assessment on visual impacts on a range of receptors was carried out in consultation with the Council's landscape officer and local communities, it is argued that the study was done whilst trees were in full leaf. It should be remembered that visibility will be greatest in winter months.
- 15 It is asserted that the development site would be in full view from an elevated position from Seend. The sensitivity of residents and walkers is assessed as high and the magnitude as medium. The overall effect is argued to be substantially adverse.

Cumulative Impacts

- 16 The applicants have failed to fully assess the landscape sensitivity of the Melksham Open Clay Vale. Cumulatively with Craysmarsh solar installation, the proposed development would have an adverse impact on open views and rural tranquillity. Other existing, consented and proposed must be fully considered to acknowledge and report on cumulative impacts. DWP assert that although there would be little simultaneous cumulative impact between the consented/operational Craysmarsh solar farm and this proposed site, the impression that would be gained by an observer would be a landscape with occasional solar PV development, with solar PV being a characterising element. There should be a similarity of design between schemes that fall into the same type of landscape (in terms of siting, layout, scale and form) Individual solar installations should appear visually separate. There should be an avoidance of surrounding settlements with solar installations. DWP assert that Seend is at such risk.
- 17 An additional solar installation so close to Craysmarsh and in combination with others consented in and around Seend/Melksham, significant cumulative landscape and visual impacts concerns are raised.

Mitigation

- 18 Mitigating measures in the form of new tree/hedge planting will take years to mature. DWP cite a couple appeal decisions (on farmland to the east of Sutton St Edmund, Lincolnshire and Tiverton, Devon) whereby Inspectors dismissed appeals and cited that mitigating planting would not become effective for about 10-12 years, and only then, would provide partial screening. DWP assert that the identified treed area at Sandridge is predominantly deciduous; and further assert that perimeter planting is most effective in flat landscapes, not sloping sites like Sandridge.
- 19 There is no evidence that offsite woodland planting (out with the control of the applicant) shall be maintained for the lifetime of the development to ensure the development does not have a substantial adverse effect upon the Special Landscape Area to the north.

Planning Policy Considerations

- 20 Various criticisms and references are made to appropriate assessments, compliance with the NPPF and local and emerging Core Strategy Strategy policies, and consideration of the 2013 published guidance for renewable and low carbon energy.

The Applicants Rebuttal:

Following the receipt of the above Report, the applicant was given the opportunity to respond with an input from their own professional landscape architects.

The following is an account of the response to statements made by DWP against the application.

1. The development does not involve the removal of any field boundaries, trees or adjacent woodland, therefore the scale of the existing field pattern would not be affected.
2. The fields of the site and the surrounding area are reasonably rectilinear and many of the boundaries are straight, therefore it is not considered that the landscape is particularly irregular. This is confirmed by the one of key characteristics of the West Wiltshire 'Melksham Open Clay Vale' Landscape Character Area (LCA), which the site is within, which is: *"Relatively regular, medium-scale field pattern"*.
3. Views from the areas of higher ground to the north and south of the site are limited by intervening vegetation. The photomontages for Viewpoints 5 and 12 (Figures 6.17 and 6.18 of the LVIA), illustrate typical views from these directions and show that the development would be broken up by intervening and surrounding woodland, trees and hedgerows, and the hedgerows and trees within the site, meaning it would not appear as a single, uniform mass of development, out of scale with surrounding field patterns.
4. The site is currently rural in nature, but cannot be considered naturalistic as it is an intensively managed agricultural landscape, with many of the fields in arable production. Also the large overhead electricity transmission lines and pylons running through the site have introduced large built elements.

5. The LVIA concludes that the development would result in some localised effects on the landscape character of the area, but these would not be of sufficient prominence to substantially affect the qualities and characteristics of the Melksham Open Clay Vale and Avon Open Clay Vale LCAs as a whole.

6. The responses stated within bullet points 1 and 2 above are relevant, as well as asserting that the existing hedgerows, trees and woodland, within and surrounding the site would remain prominent characteristics of the site, therefore it is not considered that the legibility of landscape shape and scale would be overpowered by the scale and shape of the development proposed.

7. As stated above, given that the existing hedgerows, trees and woodland within and surrounding the site would be retained, it is not considered that the development as a whole would impose an incongruous uniformity.

Impacts on Landscape Character

8. The West Wiltshire District Landscape Character Assessment is considered to be the most recent study dated 2007. The Wiltshire county study was completed in 2005. Therefore the District assessment was used as it was considered to be the most up-to-date and more detailed assessment for the area. The Wiltshire LCA 12b Avon Open Clay Vale, which the site is within, is a large LCA, extending from the south-western edge of Swindon to the north, to the northern edge of Trowbridge to the south. Therefore it is not considered that the development would adversely affect the key characteristics of this LCA as a whole; although it is fully recognised that there would be some localised effects, but minimised by the hedgerows, trees and woodland, within and surrounding the site.

The applicant disputes the assertion that the development should be described as an industrial land use over 80ha (an area which includes the point of access and buffer zones). The solar site instead extends to 67ha, with the panels covering approximately one third of this area. Grassland would be retained surrounding the solar panels, which would be grazed; therefore an agricultural use would be retained. All the hedgerows, trees and woodland within and surrounding the site would be retained and additional hedgerow planting is proposed. Also the surrounding fencing would be deer fencing. None of these aspects of the development can be described as industrial.

9. The Landscape and Visual Impact report submitted by DWP on behalf of Wiltshire Protect is found to be very selective in terms of not quoting the full management strategy for the LCT, which states as follows: *"The strategy for the Open Clay Vales Landscape Type is to conserve the elements that contribute to the rural, tranquil landscape; the rivers, streams and open water, the meadows and riverside tree lines, the brick and stone villages and farmsteads and to improve elements in decline such as the hedgerows and hedgerow trees, and the visual influence of the large settlement edges and major transport corridors."* It is not considered that the development would affect the elements of the LCT. Also the development would not affect any of the existing hedgerows and hedgerow trees of the site and additional hedgerow planting is proposed. There is very little inter-visibility of the site and the nearby town of Melksham due to intervening vegetation; therefore it is not considered that the development would add to the visual influence of the edge of Melksham.

10. DWP pick out two of the key characteristics and sensitivities of the West Wiltshire Melksham Open Clay Vale LCA, in the second bullet point DWP state: *"The array will be prominent in the wide open and distant views over the landscape, introducing an industrial element into what is otherwise a rural scene"*, however the Landscape Sensitivity from the LCA description that they are referring to actually cites: *"Wide, open skies, with distant views to higher down land"*. Notwithstanding the mixed up criticisms as agreed by the Council's

strategic landscape officer and as demonstrated by the LVIA, and in particular, photomontages for Viewpoints 5 and 12 (Figures 6.17 and 6.18), it is submitted that the development would not significantly or detrimentally affect distant views to higher down land.

11. Additional hedgerow planting, and management of the existing hedgerows, is proposed as part of the development, therefore these elements of the proposals would enhance the landscape features of the LCA. Viewpoints 5 and 12 (Figures 6.17 and 6.18) illustrate glimpsed views of the development from higher ground to the north and south of the site, however such views would be broken up by intervening vegetation.

12. The pylons and overhead electricity transmission lines are prominent, man-made, structures within the site, they may no longer be considered unusual, but when they were initially erected they are likely to have been considered adverse additions to the area. The presence of these pylons means that the development would not be totally uncharacteristic within the site.

13. The applicants assert that through their robust LVIA which has been fully assessed by the Council's strategic landscape officer, *"the overall sensitivity of the site and the surrounding area is considered to be medium to low"*.

Visual Impacts

14. The magnitude of change is fully considered within the LVIA. Views of the development experienced by the road users would be oblique, for a short stretch of the road, approximately 450m, and for a short duration, approximately 35 seconds at 30mph; therefore a glimpsed view, experienced for a small part of a journey.

15. As illustrated by Viewpoint 12 and the photomontage (Figures 6.8 and 6.18), views of the development from Seend would be over 2km away and would be broken up by intervening trees, woodland and hedgerows, therefore DWPs assessment is robustly refuted. It is further argued that DWP do not provide any additional assessment for any of the other visual receptors within the study area, therefore it is reasonable to assume that they agree with the findings of the LVIA.

Cumulative Impacts

16. It is important to remember that the sensitivity of a landscape is specific to the development proposed and the proposed location for it. The photomontages of Viewpoints 5 and 12 (Figures 6.17 and 6.18 of the LVIA) illustrate views of the development in open views across the Melksham Open Clay Vale LCA. These illustrate the effects of the addition of the development to the operational Craysmarsh solar farm and show that views of the developments would be broken up by intervening vegetation. Therefore it is not considered that these views would result in prominent cumulative effects on the landscape character of the LCA.

DWP appear to refer to a previous superseded version of the LVIA referring to a previous version of the LVIA, in terms of their review of the cumulative effects of the addition of the development to the nearby operational Craysmarsh solar farm.

When considering DWPs additional points, paragraphs 6.126 to 6.133 of the latest version of the LVIA address the effects of the development of the scale of the landscape, which has been fully assessed by the LPA.

17. DWP concludes that: *"The addition of Sandridge to the baseline situation would clearly lead to significant cumulative landscape and visual impacts. These would be simultaneous*

impacts in conjunction with the existing solar PV development at Craysmarsh and successive impacts in conjunction with planned developments in the area around Seend and Melksham". However, they have provided very little evidence to demonstrate how they have reached such a conclusion.

Mitigation

18. The proposed planting to the currently open sections of the site boundary have been designed to reduce the effects of the development on views from the nearby public rights of way, these would be localised effects and the LVIA acknowledges that until the planting matures the development would be prominent from these rights of way (LVIA paragraphs 6.112 and 6.113 refers). However, once the users of the rights of way pass the open sections of the site boundary, existing vegetation would quickly reduce the effects.

19. Only the southern edge of the Special Landscape Area (SLA) is within the ZTV, therefore the assessment of the effects on the landscape character of the SLA is not wholly reliant on screening provided by offsite planting. Letters written by owners of the woodland plantations out with the control of the applicants have been submitted to the Council in terms of providing some clarity over their management.

Planning Policy Considerations

20. The most appropriate and current planning policy which the development needs to be considered against is Saved Policy C34 - Renewable Energy of the West Wiltshire District Plan - 1st Alteration, this has been carried out in paragraphs 6.86 to 6.90 of the LVIA. DWP have not considered this policy in their report.

21. DWP state that *"The development as proposed would result in Moderate and High adverse landscape and visual impacts"* - without any consideration of the extent of these impacts. The policies need to be reviewed against a more detailed assessment of landscape and visual effects, which is provided in the LVIA, to consider whether or not the benefits of the development outweigh the localised landscape and visual effects predicted in the LVIA.

Concluding Rebuttal – The DWP report makes some very generalised statements and insufficient information is provided in the report to demonstrate how these conclusions have been reached. For example, paragraphs 40, 41 and 42 state that significant adverse impacts are predicted on landscape character, substantial adverse visual impacts are predicted for users of the local public rights of way network and local residents, and significant cumulative impacts are predicted in conjunction with other schemes, both consented and in the planning system, without explaining the extent of the predicted effects on landscape character and which visual receptors would be substantially affected.

The conclusions of the LVIA provide a much more detailed summary of the predicted effects; it acknowledges that users of some of the nearby public rights of way would experience some substantial adverse effects but also that residential receptors and road users would not experience effects exceeding moderate adverse due to intervening vegetation, and that effects on the landscape character would be localised, therefore not prominent overall.

9. Planning Considerations

9.1 The Principle of The Development / Sustainable Development Objectives

The fundamental principle of the planning system is to help achieve sustainable development. Within the adopted West Wiltshire District Plan, Policy C34 states that renewable energy proposals that are sited in appropriate locations and are acceptable in terms of their impacts shall be supported. The District Plan is further supported by the Emerging Wiltshire Core Strategy which specifically includes having the core objective of addressing climate change; and through Core Policy 42, the Council sets out the parameters within which standalone renewable energy installations shall be supported to "*contribute to[wards] reducing and adapting to the impacts of climate change*".

The production of renewable sources of energy, on any scale, will inevitably contribute to this objective. The proposed development at Snarilton Farm is therefore, in principle, supported by the saved District Plan Policies and the emerging/draft Wiltshire Core Strategy and the relevant policies.

Material weight must also be afforded to the Government's National Planning Policy Framework. The NPPF places significant emphasis upon delivering sustainable development and promoting, supporting and securing appropriate renewable energy developments. One of the core planning principles of the NPPF is to support the transition to a low carbon future by, amongst other actions, encouraging the use of renewable resources. Paragraphs 97 and 98 of the Framework states that, in order to increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility placed on all communities to contribute towards renewable energy production.

By way of background, the Climate Change Act 2008 set an ambitious target of a 34% cut in greenhouse gas (GHG) emissions against a 1990 baseline by 2020, rising to an 80% reduction by 2050. These targets are the UK's contribution to a global GHG reduction confirmed as necessary to limit climate change. Reductions can be achieved in all sectors of the economy and society by applying the following three broad principles:

1. Behaviour Change; 2. Energy Efficiency; and, 3. Renewable / Low Carbon Energy Generation.

The 2009 UK Renewable Energy Strategy set out a scenario as to how the UK can meet a legally binding target to ensure that 15% of our energy comes from renewable sources by 2020 and suggests that 30% of our electricity should be renewably generated. Since 2004, UK domestic energy production has been outstripped by consumption making the UK a net energy importer. Concerns have been repeatedly raised over energy security and the vulnerability of the energy supply to geopolitical issues - which can have a direct affect on local pricing and fuel poverty.

Notwithstanding the local opposition cited above, there should be no doubt that the above legislation provides a strong strategic policy framework which supports renewable and low carbon development proposals. As such, there is a strong presumption in favour of this type of proposed development.

Locally, Wiltshire Council's adopted ECO (Energy, Change and Opportunity) Strategy sets out a clear commitment to increase the uptake of renewable energy. Action to tackle climate

change through energy efficiency and renewable energy generation are intrinsic to how Wiltshire Council wants to develop.

In 2012, Wiltshire County (even including Swindon) was ranked the lowest of all LPAs in the South-West in terms of installed renewable energy capacities (as surveyed by ReGenSW and published within 'The State of the Environment Wiltshire & Swindon 2013'). Based on the ReGenSW 2013 data which includes small scale renewable projects (including heat pumps), Wiltshire (excluding Swindon) has a current installed renewable capacity amounting to 61.8MW (of which 48.7MW is contributed by solar PV). In early November, elected members were informed within Briefing Note No. 165, that "*if the applications for solar farms permitted since April 2013 are added, the capacity would rise to 107MW*". Since the publication of the Briefing Note, the LPA has granted additional potential capacity to increase this figure to 124.5MW.

Although this scheme can be recommended positively as a renewable energy installation, the application does not establish any direct community/ local end user benefits since the generated electricity would be fed directly into the National Grid. Where viable, Wiltshire Council particularly encourages locally used and generated energy; since it is more efficient to use energy where it is generated and avoid transmission losses at the National Grid level. As a positive however, this proposal would greatly assist in increasing the amount of renewable energy generating capacity within the County, consistent with local and national policy drivers.

Whilst each planning application must be considered on its own merits, it cannot be ignored that Wiltshire Council is dedicated to addressing the causes of climate change and is fully committed as an authority to promoting, encouraging and supporting (where appropriate) renewable energy proposals; and in so doing, help contribute to renewable energy and climate change targets, improving air quality (by not relying on fossil fuels), stimulate the UK renewable industry and address fuel security concerns.

It is fully acknowledged that these justifications are proportionately linked to the scale of development. Government Policy however makes it very clear that renewable applications no matter how small should not be prejudiced because of their relatively small contributions; as every contribution helps. The NPPF stresses that sustainable development should go ahead without delay. The NPPF also stresses that applicants do not have to demonstrate any need when proposing renewable energy developments of any size. Paragraph 98 of the NPPF further asserts that such applications should be approved if the impacts are (or can be made through planning conditions and mitigation) acceptable.

It is equally necessary to note that this type of development is, in theory, not permanent; and when the development comes to an end it would be reasonable to insist on the restoration of the land. If permission is granted, a planning condition requiring the decommissioning of the site and the removal of panels and plant should be used.

9.2 The Impact upon The Rural Surroundings and Surrounding Countryside

The visual envelope of the site is defined by the ridge and several woodland plantations as well as by built development and electricity and highway infrastructure. Officers maintain that the landscape quality of the site and its immediate environs is considered to be of

medium to low value. The landholding may have local community appeal with adjoining / nearby PRoW usage and some redeeming features, but it is considered to have limited recognised intrinsic landscape value. The site's historic intensive agricultural land use with two high voltage power lines and associated 45m high pylons running through it significantly impacts upon the character of the site and its immediate surroundings. The site's proximity to the busy and noisy A3102 highway further reduces any sense of real tranquillity. However, as one travels further from the highway, enclosed by the well established boundary and woodland plantations, the quality of the rural experience increases. Officers would however assert that with the highly visual and dominant electricity infrastructure in place on site, cutting through the valley, there is marked dilution in terms of the sense one has of a natural or rural isolation.

Council officers have thoroughly assessed this application in terms of considering and quantifying the cumulative and sequential landscape and visual impacts, the visibility of the site is generally restricted to the south western half of the 5km study area with more limited visibility (due to topography and natural plantation) for the majority of the northern and eastern part of the study area. It is worth stressing here that the 5km radius was deliberately chosen with due cognisance to the guidance contained within the Guidelines for Landscape and Visual Impact Assessment publication to robustly assess this development on the grounds that beyond 5km, the impacts would be negligible/imperceptible.

The overall sensitivity of the site is classed as medium – through recognising the movement of people travelling through or past the affected landscape in cars/other modes of transit along public highways and pedestrians/horse riders using the surrounding ProWs. It is however asserted by both planning officers and the strategic landscape officer that the enclosed nature of the site decreases the scope of inter-visibility which consequently decreases the level of sensitivity/susceptibility of the landscape to change.

Whilst there is a Special Landscape Area (SLA) to the north of the site, which a high degree of sensitivity extending northwards, officers submit that the development would not cause significant harm to the SLA due to the screening effects of existing woodland.

The solar installation with its associated infrastructure (i.e. the proposed inverters, substations and deer fencing) would undoubtedly introduce change to the identified landscape through the installation of new features and structures. Whilst the applicants argue that, the magnitude of the visual effect of such change would be 'slightly adverse', officers submit that given the range of public rights of way located around and past the site, the proposal should be classed as having a slightly greater level of visual impact; and thus classed as 'moderately adverse', especially at close quarter viewpoints.

Mid range views, such as those obtained from the A3102 about 500m to the north, would pick up part of the development site (the central and western part) visible in the mid distance between woodland blocks and lowland field systems with established boundary planting. Along 450m of the elevated stretch of the A3102, there would be some open and partially screened views of the site, with the most extensive being gained when travelling west towards Melksham from Bromham. The magnitude of the transient visual effect from the road (without any footpath or adjacent PROW) is classed as 'slightly – moderately adverse', which would reduce to being imperceptible as the distance from the site increases. Further afield, such as at Seend or Seend Cleeve, located some 2km to the south, the solar

installation would merge within the landscape as a hazy grey blue feature. Indeed it argued that the recent and prolonged heavy wet period which has left much of rural Wiltshire with saturated ground and standing water, when viewed from elevated positions, and unlike established solar installations, flood water is substantially more reflective and visually dominant in the landscape.

As a ground mounted installation a couple of metres in height (maximum), the development would not result in a harmful skyline infraction.

Cumulative Impacts

Within this part of Central Wiltshire, it is acknowledged that there are a number of proposed solar farms in addition to some which the LPA have granted in recent years. A summary of the relevant solar installations/proposals found within 5km of the site and relevant cases further afield in the wider area are considered below in order to appreciate potential cumulative impacts in line with good practice as outlined by DCLG Planning Practice Guidance for Renewable and Low Carbon Energy. The guidance outlines that the approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines through asserting that:

“The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape” (paragraph 39).

It is recognised that the DCLG Planning Practice Guidance for Renewable and Low Carbon Energy guidance outlines that cumulative visual impacts may arise where two or more of the same type of renewable energy development would be visible from the same point, or would be visible/ experienced shortly after each other whilst undertaking the same journey. As far as this application is concerned, the applicants (through consultation with the Council’s strategic landscape officer) have commissioned and produced a Landscape Visual Impact Assessment which robustly considers the site and its surroundings, encompassing an area within a 5km radius of the outermost edge of the development. It should also be duly noted that the applicants have paid due cognisance to other solar proposals beyond the stated study area, although it is the study area which has been given most attention.

The submitted landscape visual impact assessment submitted by the applicants is supported by photomontages and wireframe modelling which was carried out using a combination of site and desk based survey and analysis. The methodology used followed recommendations and guidance as set out within the following publications:

Guidelines for Landscape and Visual Impact Assessment, LVIA Third Edition (GLVIA 3); and, Landscape Character Assessment Guidance.

It is important to stress that as outlined in the aforementioned Guidance, LVIA sensitivity is not the same as landscape sensitivity, since LVIA analysis is specific to a project/development proposal and the location affected. The nature/magnitude of the effects depends upon the size/scale of the changes as well as the geographical extent of the area affected; and the duration/reversibility of the proposed changes. Consideration must also be given to the potential for landscape receptors to accommodate change without significant

harm being caused; with due regard given to the impact upon landscape value, as well as cumulative and sequential effects.

Within 1km (and about 300m at its closest point), the operational 1.5MW solar installation at Craysmarsh Farm would have the most potential to have a cumulative impact. If this application is granted, there would be a some in-combination impact, however, it is considered that there would be sufficient separation and screening from existing and proposed intervening vegetation and the natural landform to ensure that there would be no substantial or harmful cumulative effect created by the two developments. The solar parks would be seen together simultaneously from higher ground, but the effect would be moderately minor.

It is considered that there would be limited combined views of the addition of the Sandridge scheme to the Craysmarsh Solar Farm from elevated viewpoints along the A3102. However, as these are glimpsed and distant views from moving receptors (road users and footpath /bridleway users), and all views would be filtered by intervening vegetation, it is not considered that they would result in prominent cumulative effects.

Users of the surrounding footpaths MELW30 and MELW29, and Bridleways MELW40 and MELW25 would potentially experience some sequential views (or journey scenarios) of both schemes. In particular MELW25, as it runs through the Craysmarsh site and past the open section of the southern boundary of the Sandridge site, walkers/horseback riders using the surrounding bridleways would experience the most prominent effects as they would experience views above the intervening hedgerows. The addition of the Sandridge Farm scheme would impact on recreational receptors of high sensitivity; however, the magnitude of these cumulative effects would be low as views would be sequential rather than combined, resulting in slight adverse cumulative visual impacts for pedestrians, although there would be a higher level of cumulative impacts for horseback riders.

The closest residential properties at The Heights (no.262A Sandridge Hill) and Sandridge Tower, and to a much lesser extent, Tanhouse Farm and Craysmarsh Farm would to varying degrees experience consequential landscape and cumulative effects by the two developments, however, it is asserted that views from ground level would be obscured by intervening farm buildings as far as Tanhouse Farm is concerned, and similarly filtered at Craysmarsh Farm. From the upper floor accommodation, there would be a level of cumulative impact from both properties which consequently necessitates in the classification of substantially adverse. It is however noted that no opposition to the development has been received by the LPA from these properties. The effects from the north (The Heights and Sandridge Tower) would be filtered to an extent by the well established woodland planting (which according to letters received from separate owners, are set to be retained and maintained, but be subject to good woodland management practices).

The LVIA (supported by photo views and photomontage evidence) and professional analysis of the views from Seend and Seend Cleeve concludes that the magnitude of the effect is classed as medium due to the fact that part of the Sandridge site would be seen from the same viewpoint alongside the Craysmarsh site. However, there would be no significant cumulative /in-combination effect due to the distance involved (2km), the natural topography and landscape planting.

There would be no perceptible landscape impact or cumulative effect generated from properties along the eastern edge of Melksham, due to the site separation, landform and landscape planting. The magnitude of the effects of the development from here are considered as negligible/nil.

Officers further argue that there would be no perceptible cumulative impact gained from either the Mid Wilts Way Long Distance Footpath or the Regional North Wilts Rivers Cycle Route, due to distance separation and intervening landscape planting.

The following solar developments have also been taken into account when considering cumulative impacts.

A 15MW proposed solar installation at land north west of Poulshot under application 13/05244/FUL was granted planning permission on 27th February 2014 – with the land located some 3.1km to the south east on the other side of the A361 and on the other side of the Seend ridge. As far as the Poulshot solar case is concerned, there would be sufficient separation and screening from intervening vegetation and landform to ensure that there would be no significant combined cumulative effects of the two developments. Although there is some potential sequential effects from higher ground above the Sandridge site, whereby such an impact would be classed as slightly adverse.

There would be some potential for sequential cumulative effects when on higher ground above the Sandridge solar farm, however, it is considered that the cumulative effects of the addition of the Sandridge Farm scheme to the Poulshot solar farm scheme would not be substantively or cumulatively adverse.

In addition, consideration has been given to another pending solar application (reference 13/06707/FUL) for a 13MW installation at land South East of Leechpool Farm Norrington Lane, Broughton Gifford. However, given that the site is located some 4km distant and on the other side of Melksham, the Sandridge Farm site would not raise significant cumulative impact concerns due to the site separation, the in-between built development, topography and landscape planting.

Further afield, but within 10km of the site, additional solar developments (i.e. more than 1MW) have been considered in terms of cumulative impacts, including the following schemes:

The granted 13.6MW solar scheme at land to the west of Norrington Lane within the parish of Broughton Gifford (under reference 12/02072/FUL) is currently awaiting construction commencing. This site is some 5km distant and is separated from the Sandridge site by the entire town policy limits of Melksham, intervening landform and vegetation. Consequently, there would be no adverse combined or sequential cumulative impacts.

Similarly, the granted 1.3MW solar installation at land to the North of Hopton Industrial Estate (under reference 13/00984/FUL) also awaits construction commencing and is even further away at some 7.6km distant from the Sandridge site; and due to the site separation involved, the existing built development between and landform, there would be no perceptible cumulative impact.

The granted 16.6MW solar installation at Stokes Marsh Farm, Coulston Westbury (under reference 13/02309/FUL) as well as the granted 5.85MW solar installation at Blenches Mill Farm, land north east of Westbury (under application 12/02081/FUL) are similarly separated from the Sandridge site in terms of distance, intervening landform and landscape planting to ensure there are no adverse cumulative effects.

Due cognisance has also been given to a 10.1MW proposed solar installation at land North of Marsh Farm, Marsh Road, Hilperton, which is still pending Council determination (under reference 14/00592/FUL), as well as to a proposed solar installation at Cox Hill Lane, Potterne some 7.8km away.

As far as the cited solar projects listed above are concerned, due to the site separation, in-between built development, topography and natural landscaping, there would be imperceptible cumulative impacts. It is asserted that the impact of a solar farm installation is influenced by the effects of distance, which can control how a solar farm is perceived, but how much of the solar farm is seen is also important. Whether the whole of the development is visible or just a small area influences the degree of change. The extent to which the development occupies the horizon is also a factor affecting its prominence. Furthermore, it is also necessary to record that the magnitude of an impact/effect can vary greatly in differing weather conditions. On the last point, it is perhaps worth noting that the case officer visited the site half a dozen times taking in short, mid to long range views in different weather conditions and at different times of the day.

When travelling around this part of Central Wiltshire and the wider County, the existing/proposed solar parks identified above would be, to differing degrees, visible from certain vantage points, however due to the separation distance between each site, landform and in-between development; and natural screening it is not considered that the renewable energy scheme at Sandridge Farm would become a significant or defining characteristic of the landscape. With the exception of the operational Craysmarsh site, the site would not be highly visible together with another solar scheme (currently proposed or approved) during a typical journey or appear prominent in the landscape.

In conclusion, and in line with the conclusions and recommendations expressed by the Council's landscape officer above, Members are advised that a considerable amount of officer time has been afforded to this particular matter and only after a rigorous review, site inspections, data analysis, meetings and discussions (which included requests for further information) can officers feel comfortable supporting this application. Officers fully recognise that this development proposal, if implemented, shall result in changing the character of the landscape, however, for the reasons cited within the landscape officer's commentary and the above summary, the proposed development is considered to be satisfactory in terms of its impacts, including any cumulative/sequential impacts. As reported above, whilst there would be a degree of impacts, it must also be borne in mind that such impacts must be weighed up against the benefits which would accrue through the installation of a renewable energy generator leading to lower carbon reliance.

9.3 The Impact upon Heritage Assets (including Archaeology)

A full review has taken place in terms of appreciating the proximity to and potential impacts upon designated heritage assets within a 5km radius of the site. The nearest Scheduled Monument is located 3.3km north of the site comprising a section of a Roman Road. There

are eight Grade 1 and 23 Grade II* listed buildings found within the 5km study area; and on a more localised context (i.e. within a 2km study area), there are a further 5 Grade II listed buildings with Tanhouse Farm and Blackmore House located equidistant c300m from the site.

A detailed analysis has been completed in terms of understanding the potential of inter-visibility between the heritage assets and this proposed solar installation. Section 7 of the Environmental Report provides a rigorous analysis and concludes by asserting that no statutory designations would be physically impacted upon by the proposed development, and in terms of setting impacts, no recorded impact would be greater than 'slight adverse'.

It is duly noted that English Heritage and the Council's Conservation Officer raise no objections.

As far as archaeology interests are concerned, the Wiltshire Historic Environment Record reveals little in the way of archaeological potential. The earliest evidence for activity comprises the find spot of a Bronze Age axe-head recorded over 700m to the north of 'Forty Acre Copse' located behind Manor Farm some 400m north of the A3102. Apart from an area of ridge and furrow earthworks located in the south-east of the site, no other features of archaeological or cultural heritage significance was found.

The construction of the solar installation through associated ground works could potentially impact upon unknown buried archaeological remains; however, the significance of any impact is considered to be low given that the solar arrays would be formed without concrete/hardcore foundations and instead would be pile driven with shallow cable trenching and only top-soil stripping to form access tracks and compound areas. The solar development would not physically impact upon the ruinous brick field structure. It is also important to stress that agricultural ploughing operations would potentially impact much more severely in terms of the level and extent of ground disturbance.

An archaeological Desk-Based Assessment and geophysical survey have been undertaken for this proposed development site. Ridge and furrow, former field boundaries, post-medieval/modern drains, possible fluvial and former woodland features have been detected across the site. The results indicate that the site has a low potential for significant archaeological remains to be present and in consideration of the level of belowground impact from this development, no further archaeological mitigation is required.

9.4 The Impact on Ecological Interests

The development has great potential to bring about ecological / biodiversity benefits. The project proposals include habitat enhancement through the replacement of the poor arable and existing grassland with new meadow and species diverse grassland formed by a wildflower and grass seed mix. The existing improved grassland would be retained, a 5m buffer of rough grassland is proposed around both the internal field boundary enclosures and the site perimeter. Additional habitats would be encouraged / created through new species rich hedgerow planting (blackthorn, hawthorn, field maple, elm plus 5% each of oak, ash and dog rose planted in double staggered rows). The applicants further propose to restore the defunct pond (which is located within south-west part of the site) by excavating excessive silt and trimming back encroaching hedgerow vegetation to increase light

penetration. Across and around the site, ecological enhancements shall be created through increased foraging opportunities and habitat diversification and improved connectivity providing greater opportunities for colonisation by a range of flora and fauna. Over the planned 25 year lifespan of the solar site, with the land under the PV panels still used to graze sheep, it is anticipated that a species assemblage will develop offering a substantially greater diversity than the current site habitat offers. All in all, the enhanced planting and the anticipated ecological gains shall bring about more lasting benefits beyond the lifespan of the solar installation.

9.5 The Impact on Highway Interests

Following extensive discussions and meetings, the Highways Authority (in association with the public rights of way team) are satisfied that the proposed development would not pose any highway conflict. No objection is raised by officers to the proposed use of the western side of the bridleway (which would be temporarily fenced) to separate delivery vehicles and users of the PRoW. The bridleway has historically been accessed by the local farmers to gain entry to fields; and following the construction phase, it is arguable that the level of vehicular use of the bridleway would be less than it currently could be. Two detailed planning conditions are however recommended.

9.6 The Impacts on Third Parties

Whilst there may be some disruption created during the construction (and decommissioning stages) which are predicted to last 3-4 months, robust planning conditions and a respectful developer/site contractor can limit the level of nuisance. A Construction Method Statement and Traffic Management Plan are deemed necessary pre-commencement requirements to ensure the developer submits a detailed account of how and when the site shall be developed. Similar conditions are necessary to cover the decommissioning process and period.

In addition to the views and impacts of the development, consideration has been given to the individual impacts upon all sensitive receptors within 2km of the site through both a desk based exercise (assessing degrees of separation) and walking around the site and its boundaries, which included traversing along numerous public rights of way as well as driving around the valley, stopping to appreciate mid-long range views and impacts. As reported above within the public protection officer's commentary, the development would not create any substantive noise related nuisance.

Following the establishment of solar installations elsewhere within the County which have PROWs nearby or running through solar site's, officers submit that there is no substantive evidence indicating that such installations are having a negative impact upon Wiltshire's tourist trade or appeal. As part of the applicant's supporting information, a number of tourist attractions in the surrounding area such as Lacock Abbey, Bowood House and gardens, Great Chalfield Manor, the Courts in Holt, and others within 10 miles of the site have been recorded. However, given the location of this site, enclosed by well established boundary and woodland planting with limited mid-long range visibility, and its separation from such tourist attractions, officers suggest that the solar PV proposal is unlikely to have a demonstrable or detrimental effect upon local tourism.

To properly function, solar panels should have no glint, glare or excessive reflection. To do so, would severely reduce their efficiency and value. Instead, solar panels are specifically designed to have a very low reflectivity level when compared with other surfaces such as glass or water, as they are designed to capture as much sunlight as possible to convert it to electricity, and not lose it through reflection. By way of an example, in the USA and Germany, countries which have more established solar industries than the UK, often use solar panel installations on roofs of airport terminals, as well as on land adjacent to runways, and studies have shown that they pose no risk to aeroplanes through reflectivity nuisance. The type of surface of the solar panels and the angle in relation to the ground are such that there would be no identified risk of solar dazzle or glare from reflected sunlight or skylight. This application proposes panels which are designed to be highly absorbent and have an exceptionally low reflection compared to conventional domestic or toughened glass. On the basis of the above, there would be no conflict with aircraft using Keevil air strip or any other aircraft.

9.7 Hydrology and Flood Risk

The site is classified as being within Flood Zone 1 according to the Environment Agency's Indicative Flood Map. This category represents land with the lowest probability of flooding. Following a thorough consultation process (following on from a robust pre-application series of discussions) this development raises no hydrology/flood risk based objections. The Environment Agency is satisfied that the development proposal can be supported subject to planning conditions and informatives.

Following the submission of the third party based concern about potential PV panel leakage and land contamination, separate consultation and discussions were held with the Environment Agency and Wessex Water as well further research being undertaken by the applicant and agents. Following a detailed review of the matter, Members are advised that the proposal solar installation for the Sandridge Farm site shall use polycrystalline silicon within which no heavy metals or toxic substances occur. No water soluble substances are contained in the PV modules and dissolution would be prevented by standard glass/plastic layers. Furthermore, the EA has confirmed that leaching of contaminants from photovoltaic panels does not represent a significant risk to groundwater/pollution. The EA also confirmed having no knowledge of any cases in the UK where such pollution has resulted from solar farm development. A similar response was provided by Wessex Water; and consequently, officers duly submit that panel corrosion and land contamination are not substantive grounds for concern. As part of the regular maintenance and inspection process, any failed units would be replaced by the site contractor which would further avoid any land contamination risk.

9.8 EIA Screening

An adopted EIA Screening Opinion for a solar PV farm at this site was issued by the planning authority on 18 June 2013 which is held on the public register for two years. The Screening Opinion considered the characteristics of the development, location and potential impacts including landscape character, heritage assets, ecology, archaeology, flood risk, public footpaths and transport implications. The Council concluded that this type of development did not require an Environmental Impact Assessment.

9.9 Other Matters

In response to third party concerns and officer requests, it should be recorded that the applicants and their agent have made substantial effort and afforded considerable resources to resolving and addressing a host of concerns. Whilst not specifically a planning consideration, the applicants are very open about who they are: comprising a partnership between three companies: renewable power, EnvironGauge (based in West Wiltshire) and Notus Energy. In partnership, the companies have been able to combine specialist knowledge and experience to develop and deliver this renewable project. In response to the raised concerns about financial security linked to implementing the decommissioning phase, the applicant has confirmed that a legally binding decommissioning bond will be put in place from the point of commissioning the site in line with standard protocols throughout the UK. The bond would be held by an independent third party and would be sufficient to finance the decommissioning works at the end of the 25 year period. This bond would only be serviced should the developer/applicant be unable to finance it.

The applicant's offer of providing an annual financial incentive for the lifetime of the development has not been subject to any officer assessment since it is not a material planning consideration. Instead, it is a matter for the local parishes or designated body to discuss separately with the applicant/developer, should permission be granted.

10. Conclusion

Whilst the proposed 44.2 MW solar installation would have some heritage and visual impacts, through extensive detailed analysis and negotiations, officers conclude that this application proposal can be supported subject to a raft of detailed planning conditions which include measures of mitigation. Whilst the development would result in a moderate degree of visual impact, it would not be demonstrably or substantively harmful. Moreover, officers submit that the noted impacts would be substantially outweighed by the overall environmental benefits associated to the provision of renewable energy (for a 25 year temporary period) and the on-site biodiversity/ecological enhancement measures.

The application would be a sustainable form of development that would make a welcome and significant contribution to Wiltshire's renewable energy production targets, and on the basis of the above, the application has full officer support, and is recommended positively.

RECOMMENDATION

To approve subject to the following conditions.

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

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

2 The solar installation hereby granted shall be removed from the site, together with all supporting/associated infrastructure including the inverter stations, security equipment, poles

and fencing, and the land shall be restored to a condition suitable for agricultural use within 6 months of the PV modules ceasing to be used for the generation of renewable energy, or the expiry of 25 years after the date of this planning permission, whichever is the sooner.

REASON: In the interests of amenity and the timely restoration of the land.

3 An aftercare scheme detailing the steps that are necessary to restore the land following the cessation of the solar installation use shall be submitted by the applicant/developer to the Local Planning Authority at least 6 months prior to the removal of the PV modules and associated infrastructure.

REASON: To ensure the satisfactory restoration of the site for agriculture.

4 No development hereby granted shall commence until a detailed surface water run-off limitation scheme together with supporting calculations, has been submitted to and approved in writing by the Local Planning Authority. The submitted details should clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: To prevent any increased risk of surface water flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

5 No development hereby granted shall commence until the applicant/developer has submitted for the written approval by the local planning authority a construction traffic management plan (CTMP), and shall undertake the construction of the site in accordance with the approved details. The CTMP shall include:

- A condition survey of the site access onto the A3102 and Prater's Lane bridleway, along with a detailed programme of measures to be employed to maintain the highway/PRoW from damage. Should any damage accrue attributable to the development, all damage shall be remedied within 3 months which shall require the written agreement of the Council;
- Exact details of the numbers, types and timing of delivery lorries to the site (which should avoid school departure / collection times).
- A scheme of signing and lining relating to the school and construction access, which shall be necessary to make drivers aware on the construction access and school arrangements;
- The procedures in place to ensure that lorry wheels are free of mud before returning to the highway;
- Details of all deliveries entering and exiting the site involving large HGV and other large vehicles to ensure safe access and egress at the site;
- Details of the site management co-ordinator who will ensure compliance with the CTMP, how users of public rights of way on and near the A3102 access shall be protected during the works, and details of how construction workers traffic and lorry traffic shall be accommodated (including turning provision) on the site.

Any departures from the agreed Construction Traffic Management Plan shall need to be agreed in writing by the LPA prior to such actions or works being carried out on site.

REASON: To ensure that construction traffic associated with the site does not give rise to unacceptable conditions on the local highway network.

6 No development shall commence on site until visibility splays have been provided at the access point and have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres in the west direction and 160 metres in the east direction from the centre of the access. Such splays shall thereafter be permanently maintained free from obstruction to enable clear vision above the height of 1m above the level of the adjacent carriageway. In accordance with approved plan drawing titled as 'Sandridge Solar Farm Vision Splays for Site Access Plan'. Full details shall be submitted detailing the extent of hedge/ tree removal and the protection of the school boundary/ and hedge re-instatement.

REASON: In the interests of highway safety

7 No development shall commence on site pursuant to the installation of the solar arrays or associated infrastructure until the temporary fencing has been erected in full accordance with the temporary fencing plan. The temporary fencing must be robustly secured to ensure it does not collapse to avoid any further obstruction of the Prater's Lane Bridleway. After the delivery stage, the temporary fencing shall be removed entirely from the site and the bridleway shall be kept free from any other obstruction.

REASON: In order to protect and safeguard the public's right to use the public right of ways.

8 A habitat condition survey measured against the details listed within the Habitat Protection, Creation and Management Plan shall be undertaken by a professional ecologist during the period June to August and submitted for Local Planning Authority approval in the first, third and fifth years after the site first becomes operational. Where monitoring identifies any non-compliance, remedial measures will need to be identified, implemented and reported through an agreed procedure with the Council. The removal of hedgerows and ground preparation shall be undertaken during the period 1st September to 28th February. If done outside this period, any such works shall be preceded by a survey undertaken by a professional ecologist; and only undertaken in accordance with the ecologist's written advice.

REASON: In the interests of safeguarding ecological and biodiversity interests.

9 The site shall only be decommissioned after an ecological survey and decommissioning scheme has been submitted for the Council's written approval. Decommissioning shall be undertaken in full accordance with the approved scheme.

REASON: In the interests of safeguarding ecological and biodiversity interests.

10. The construction, site layout and site management works shall be undertaken in accordance with the details contained in the following:

Habitat Protection, Creation and Management Plan as detailed within Figure 8.5 (in chapter 8 of the Environmental Report); and the Reasonable Avoidance Measures for Great Crested Newts as detailed within Appendix 8.2 of the same report.

REASON: In the interests of safeguarding ecological and biodiversity interests.

11. During the construction phase no machinery shall be operated, no process shall be carried out and no delivery shall be taken or dispatched from the site outside of the following

hours; Mon-Fri 07:30 to 18:00, Saturday 08:00 to 13:00 nor anytime on Sundays or public holiday.

REASON: In order to protect local amenity.

12. Following the installation of the solar farm, there shall be no external lighting/illumination at or on the site unless otherwise approved by the planning authority following the submission of a separate planning application.

REASON: To ensure the creation/retention of an environment free from intrusive levels of lighting and to protect the open countryside.

13 A buffer strip measuring 2 metres measured from the top of a bank of any watercourse, water body or ditch shall be maintained at all times during the construction period. Thereafter, a managed buffer strip shall be extended to 5 metres to allow for the growth of a longer sward to improve habitat potential adjacent to all ditches, water bodies and watercourses.

REASON: To ensure that flood risk is not increased and to protect and enhance the biodiversity value and potential of all ditches, watercourses and water bodies.

14 No development hereby granted shall commence until a detailed surface water run-off limitation scheme covering both the construction and operational phases has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The approved scheme shall be implemented and maintained in accordance with the approved programme and details.

REASON: To prevent any increased risk of surface water flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

15 No development hereby granted shall commence until a landscape management plan has been submitted for the written approval of the Council which shall cover tree, hedge and root protection measures, the on-site management of the existing hedgerows (which shall be allowed to develop to a minimum 3 m winter height), as well as producing exact tree and hedgerow planting details (including location, species and spacing) and a timetabled programme for the infill and all proposed new planting and its on-going management and monitoring which shall cover the lifetime of the development.

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

16 The landscaping scheme shall be carried out in the first planting and seeding season following the completion of the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees, hedgerow or plants which, within the period of twenty 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 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.

17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:

Existing and Proposed Site Plan – received 27.01.2014
Proposed Block Plan – received 27.01.2014
Site Layout and Construction Plan – received 27.01.2014
Solar Array Plan – received 27.01.2014
132kv Substation Plan – received 27.01.2014
Indicative Security Camera Plan – received 14.02.2014
Digital Terrain Model (Topographical Plan) – received 31.01.2014
Vision Splay for Site Access Plan – received 04.02.2014
Cross Section of Track & Temporary Fencing Plan – received 26.02.2014
PV Array Detail Plan (Figure 3.2 within Environmental Report) – received 18.11.2013
Typical Cable Trenching Plan (Figure 3.7 within Environmental Report) – received 18.11.2013
On Site Track Design Plan (Figure 3.8 within Environmental Report) – received 18.11.2013
Access Route to Site Plan (Figure 3.9 within Environmental Report) – received 18.11.2013

REASON: To ensure that the development is carried out in accordance with the approved plans that has been judged to be acceptable by the local planning authority.

Informatives

1 The applicant is encouraged to enter into discussions with the local community/parish council to potentially agree upon any community benefits this development may accrue for the 25 year period of the permission.

2 The applicant/developer is further advised to enter into more discussions with Wessex Water to agree, should it be so required, necessary protection measures in relation to protecting the water mains from extra load bearings caused by construction traffic. Measures will vary depending on the amount of existing cover over the main and frequency and nature of construction traffic. Measures typically include lowering / diversion of the mains or concrete slab protection and as such, this needs to be agreed between the developer and Wessex Water.

3 A signage strategy warning traffic of the site entrance is recommended. The applicant is advised that there may be a requirement for a banksman depending upon the type of vehicles bringing materials to the site. Further details can be obtained from the highways team.

4 The applicant shall need to confirm in consultation with the highways and school premises team, delivery times (to avoid where possible) school traffic and school bus arrival departure times.

5 The applicant / developer is advised to follow the guidance contained within the Environment Agency letter dated 26 November 2013 with regard to surface water drainage, pollution prevention and access track construction.



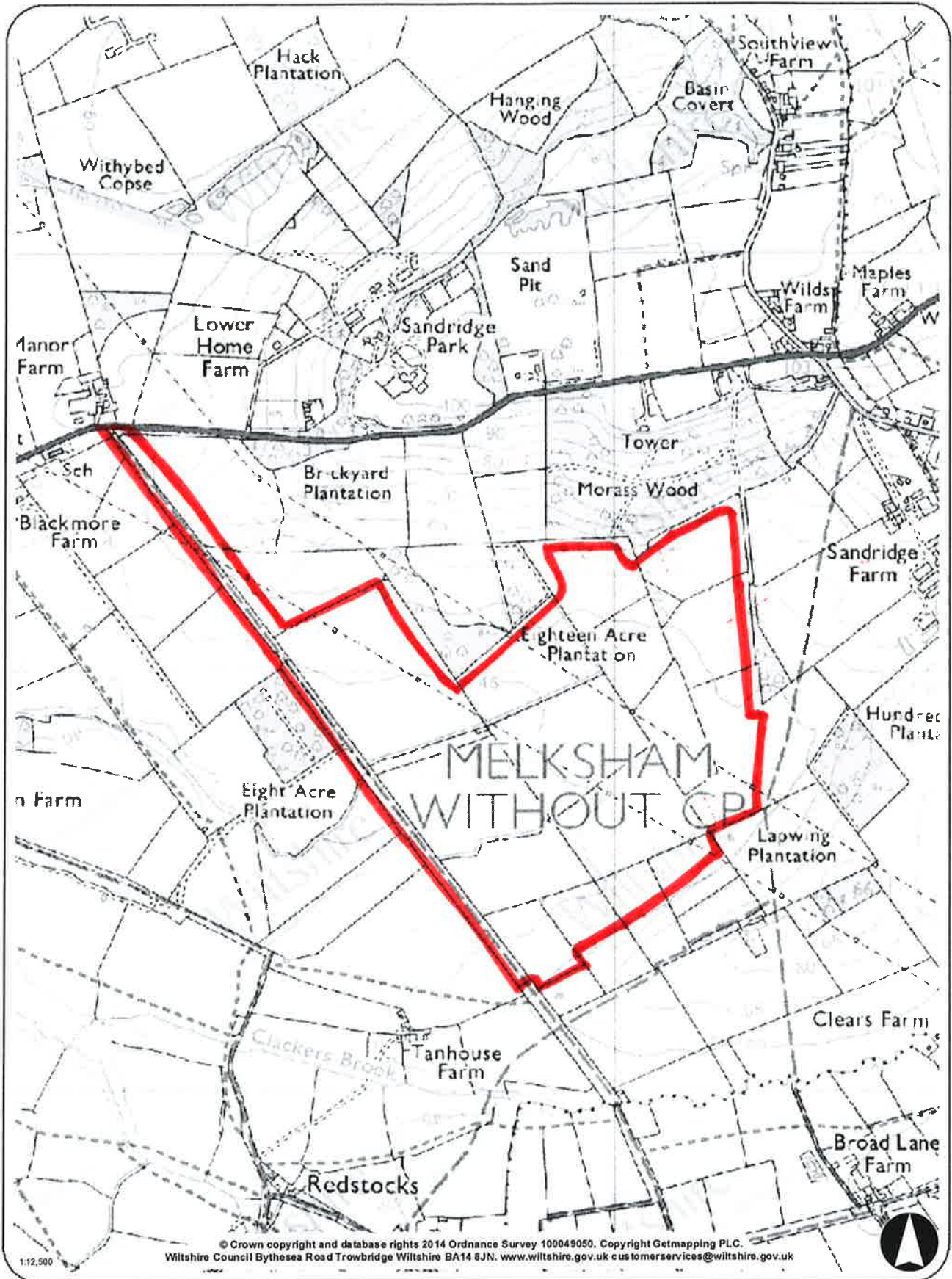
Photo 2.1: Aerial Photography from Google Earth

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Land At Snarlton Farm

13/06 140/FUL



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REPORT TO THE STRATEGIC PLANNING COMMITTEE

Date of Meeting	12 March 2014
Application Number	13/03568/OUT
Site Address	Land at The Mead Westbury Wiltshire
Proposal	Up to 220 dwellings (C3) Creation of a new access from The Mead, creation of a new emergency/cycle and pedestrian access from Trowbridge Road, open space, drainage works and ancillary works.
Applicant	Gloucester Land Company Ltd
Town/Parish Council	WESTBURY
Ward	WESTBURY NORTH
Grid Ref	387267 152159
Type of application	Outline Planning
Case Officer	Jemma Boustead

Reason for the application being considered by Committee:

This application is being referred to the Strategic Planning Committee as it is a large-scale, major development of up to 220 houses on a site not allocated for development and which raises issues of more than local importance as the proposal has implications for the future development of housing in Westbury, In addition Local Ward member Councillor Jenkins has requested that the application be called to the Planning Committee for the following reasons:

- Scale of Development
- Visual Impact upon the surrounding area
- Other: Housing Land Supply, Pressure on existing resources and infrastructure

1. Purpose of Report

To consider the above application and to recommend that planning permission be granted.

2. Report Summary

The main issues to consider are:

- The principle of development at this location (issues relating to the site being unallocated in the development plan; and its relationship to the current Town Policy Limits)
- Heritage Assets
- Potential impact upon the wider local area
- Land quality and flood risk

- Ecology
- Highways
- Section 106 Obligations
- Other

3. Site Description

The application site covers approximately 9.17 hectares and is located to the North East of Westbury. The site is bounded and enclosed by the embankment for the railway line to the north, the A350 to the east and Bitham Brook and an area of open space known as the Meads Ponds to the west and an existing housing development to the South.

4. Planning History

There is no relevant planning history.

An EIA request was received by the Local Planning Authority who confirmed on 1st May 2013 that an EIA was not required.

5. The Proposal

The proposal is an outline application for up to 220 dwellings with associated parking, a new access from The Mead, open space, drainage works on land that is currently in agricultural use.

The areas left for future determination under a reserved matters application include the appearance of buildings, layout of the proposed development, scale of buildings proposed and landscaping details.

The application is supported by several documents which include a Planning Statement, Design and Access Statement, Transport Assessment, Travel Plan, Flood Risk Assessment, Landscape and Visual Impact Assessment, Ecology Phase 1/Species Survey, Geo-Environmental Assessment, Archaeological Assessment, Air Quality Assessment, Utilities Statement, Site Survey, Arboricultural Assessment and a Statement of Community Involvement.

6. Planning Policy

West Wiltshire District Local Plan – 1st Alteration

C1 Countryside Protection; C15 Archaeological Statement; C17 Conservation Areas;

C38 Nuisance; H1 Further Housing Development within Towns;

H2 Affordable Housing within Towns and Villages; H19 Development in Open Countryside;

U1a Foul Water Disposal; U2 Surface Water Disposal; U4 Ground Source Protection Areas

I1 Implementation

Wiltshire Core Strategy (WCS) - Pre-Submission Document (February 2012)

Core Policy 1: Settlement Strategy

Core Policy 2: Delivery Strategy;

Core Policy 3: Infrastructure requirements

Core Policy 32: Spatial Strategy – Westbury Community Area

Core Policy 38: Retail and Leisure

Core Policy 41: Sustainable construction and low-carbon energy

Core Policy 43: Providing affordable housing

Core Policy 46: Meeting the needs of Wiltshire's vulnerable and older people

Core Policy 50: Biodiversity and geodiversity

Core Policy 51: Landscape

Core Policy 52: Green Infrastructure

Core Policy 55: Air Quality

Core Policy 57: Ensuring high quality design and place shaping

Core Policy 58: Ensuring conservation of the historic environment

Core Policy 61: Transport and Development

Core Policy 62: Development impacts on the transport network

Core Policy 67: Flood risk

Core Policy 68: Water resources

Supplementary Planning Guidance

Wiltshire Leisure Services Strategy – Indoor Facilities Action Plan 2011 – 2025 adopted April 2012

Open Space provision in New Housing Developments – A Guide (Supplementary Planning Guidance)

Affordable Housing Supplementary Planning Guidance adopted August 2004

Leisure and Recreation Development Plan Document

Local Transport Plan 2011-2026 Car Parking Strategy (March 2011) – minimum residential parking standards.

Other Planning Policy / Legislation / Guidance

National Planning Policy Framework (NPPF)

Circular 11/95 – Conditions

Circular 06/2005 Biodiversity and Geological Conservation

7. Consultations

Westbury Town Council: Object for the following reasons:

- It is outside the Town Policy Limit
- Appeal Decision for Land at Fairdown Avenue supports this
- H14 is the key site allocated in the Core Strategy
- Highway safety concern
- This development being windfall simply adds unnecessary pressure on resources and infrastructure

Wiltshire Council Archaeologist – No Objection - the applicants have undertaken trial trench evaluation at the proposed development site. This has revealed a couple of areas of archaeological interest mostly of which appear to be prehistoric in date. In line with the National Planning Policy Framework (2012), I therefore recommend that a condition is attached to planning permission for archaeological mitigation in the form of a programme of archaeological excavation and recording.

Wiltshire Council Urban Design Officer – Look at linkages with the Town Centre & railway station and consider appropriate public realm enhancements. The development should also create an appropriate setting for the town.

Wiltshire Council Open Space Officer - No Objection subject to the appropriate amount of space on the site being allocated to open space, play space and a contribution to offsite pitch provision

Wiltshire Council Environmental Protection Officer – No Objection subject to the details that would be submitted following outline approval include site layout, orientation of the dwellings and facade treatments and ventilation schemes designed to minimise the effect of both road and rail noise.

Wiltshire Council Land Contamination Officer – No Objection subject to conditions regarding land contamination.

Wiltshire Council Drainage Officer – No Objections but a land drainage consent will be required.

Wiltshire Council Ecologist – No Objection as the development will cause no likely effects on the Bath and Bradford on Avon SAC provided conditions are applied to any approval.

Wiltshire Council Rights of Way Officer – No Rights of Way over the site but we should seek connectivity between the new housing estate and the lakes at The Mead

Wiltshire Council New Housing Team – 30% affordable housing is required from the scheme.

Wiltshire Council School Premises Officer – A contribution towards primary and secondary school education is required. Details of this are set out in Section 9.7 below.

Wiltshire Council Highways Officer – No Objection subject to conditions and a commuted sum

Environment Agency – No Objection subject to conditions and informatives

Natural England – No Objection – the proposal is unlikely to affect any statutory protected sites or landscapes

Wessex Water – No Objection - The site will be served by separate systems of drainage constructed to current adoptable standards. Wessex are currently working with the developer for a foul drainage strategy which will have minimal impact on the downstream network. There is adequate capacity within the existing water supply network to supply the proposed development. The proposed site is also located within the odour consultation zone of Westbury Sewage Treatment Works but we do not believe that the risk of nuisance is sufficient to warrant an objection.

Wiltshire Police – Do not wish to formally object to the proposals at this time however applicants should aim to achieve Secured by Design award which has a proven history of reducing crime and generally improving the quality of life within communities.

Arts Development Officer – Recommends a contribution of £66,000 for public art of which 10% should be spent upon the production of a public art plan.

8. Publicity

The application was advertised by several site notices, press notice and neighbour notification. The consultation date expired on 8th November 2013.

Twenty two letters of objection have been received with the following comments which have been summarised:

Principle

- Need to protect the countryside
- Very disappointed that Wiltshire Council are even entertaining the application
- Council already has a 5 year Housing Land Supply
- Local Plan shows the site allocated for tree planting
- Affordable homes and community benefits do not outweigh the risk of approving the application
- Lots of other brownfield sites within the town are available – build on them first
- Not enough school places
- If approved, more developers will jump on the band wagon and apply for development in the countryside
- If approved it will promote further development on Council owned land opposite the Co-op or is this where the proposed and equally unwanted campus would be built with the help of S106 money from this development
- Affordable Housing is rented to people who usually have no interest in respecting or looking after property or gardens and will encourage young lads to race around not picking up litter
- Designed to get maximum profit with no consideration to the town

- There are plenty of properties for sale in Westbury
- Where will further employment come from?
- Loss of open space – dog walking on the land has been stopped
- Design & Impact upon the character and appearance of the area
- Design gives no thought to the local environment – 3 storey properties are not common in Westbury and will be an eyesore
- Ground suffers from flooding
- Increase in surface water leading to localised flooding
- If approved trees and shrubs that are removed should be replaced with bird friendly trees
- Children play facility is located in the wrong place – it should be near houses
- Phasing of the project is unacceptable to local residents – surely it doesn't take 4 years to build 220 homes. We will have to live with muddy roads and deliveries for 4 years

Neighbouring Amenity

- Increase in noise from traffic
- Already have excessive noise from the railway network
- Noise from existing traffic is unbearable between 6am and 10pm
- Views of the White Horse will be lost
- Flats and houses will overlook my garden (Hampshire Gardens)

Highways

- The Mead suffers from excessive traffic both from domestic and heavy vehicles
- No existing traffic calming measure
- Single access to the site is ridiculous
- Existing road infrastructure should be improved
- Layout of access will increase road traffic accidents
- Increase in traffic on A350 which is at full capacity and in need of re-surfacing and lead to a greater need of an unwanted bypass
- Increase in traffic will be a danger to children walking to Bitham Brook School
- Does Westbury have an existing cycle network for the proposed network to link up to?

Other

- Tourists will be put off coming to Westbury
- Doctors surgery not shown on the plans and is already suffering from overpopulation
- Sports, youth groups, police and fire resources will all be impacted upon
- Put the money into building a replacement school for Matravers
- Not enough facilities for children and teenagers
- How many people on the Planning Committee are from Westbury as we seem to get a raw deal from Wiltshire Council
- Why can't the land be used for recreation?
- Westbury does not have entertainment, tip, supermarket or hospital – we need these not more housing

9. PLANNING CONSIDERATIONS

9.1 PRINCIPLE OF DEVELOPMENT – POLICY BACKGROUND

Planning law requires that decisions must be made in accordance with the development plan, unless material considerations indicate otherwise. The first principle is therefore to establish what the development plan states.

West Wiltshire Local Plan

The primary consideration with this application centres upon the relationship between the proposed development site and current town policy limits and whether the development can be considered to be sustainable. This matter is dealt with in more detail below. The principle of development at this location must be assessed against the development plan and all other material considerations including the national policy position.

Policy H1 of the adopted West Wiltshire District Local Plan – First Alteration (2004) states that “...*further housing development outside of the urban area as defined by town policy limits will not be permitted during the plan period...*” This position is further expanded through Policy H19 of the Plan which essentially “...*allows new dwellings in the open countryside if there is a justified essential need for those working in agriculture or forestry*”.

In addition to the above matters, Policy C1 of the adopted West Wiltshire Local Plan states that “...*in order to maintain the quality and variety of the countryside, the water environment, the rural landscape and wildlife, will be protected, conserved and enhanced through the control of development and positive planning measures. Development proposals in the open countryside will not be permitted, other than those which encourage diversification of the rural economy and rural recreation, unless there is an agricultural, forestry or other overriding justification such as essential transport improvements, schemes of national importance or overriding benefit to the local economy. Acceptable mitigation measures will be implemented where appropriate*”

Therefore, on the basis of the fact that the application site lies outside the town policy limits set by Policy H1, policy would indicate that development should not be granted unless material considerations determine otherwise. Such matters are addressed in more detail through the consideration of the emerging Wiltshire Core Strategy policy position below. It is also the case that the ‘plan period’ referred to in policy H1 was from 2004-2011.

Wiltshire Core Strategy

Upon adoption, the Wiltshire Core Strategy (WCS) will replace many policies and proposals in the West Wiltshire Local Plan.

The WCS has reached an advanced stage of preparation with the examination hearings having been completed in July 2013. On 2nd December 2013, the examining Inspector provided a procedural letter to Wiltshire Council seeking the views of the Council on a number of issues. Wiltshire Council responded identifying how these issues would be addressed on 19th December 2013. The Inspector has since produced a further procedural letter dated 23rd December 2013 responding to the proposals of the Council.

The submitted WCS introduced a housing requirement for the period from 2006 to 2026 presented by Housing Market Areas. The Inspector examining the Wiltshire Core Strategy has identified in his letter that he considers that the housing requirement for Wiltshire from 2006 to 2026 should be increased. Wiltshire Council has responded proposing to increase the housing requirement from 37,000 homes to 42,000 homes, an increase of 5,000. In his response the Inspector identifies that he considers this reasonable (letter dated 23 December 2013).

The WCS identifies Westbury in Core Policy1 as a Market Town. Market Towns are defined within the WCS as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities. Market Towns are considered to have the potential for significant development that will increase jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.

Core policy 2, however, is clear in that there is a presumption of sustainable development within defined limits of development and that development of the type proposed outside these limits should be brought forward through a community led planning policy document which identifies specific sites for development. However, the Inspector's procedural letter of December 2nd states, in referring to the settlement boundaries as defined in the adopted Local Plan, that '*...some of these were adopted some years ago, for example the Kennet Local plan (2004), and it cannot be argued with great strength that the settlement boundaries contained therein are up-to-date for the purposes of the Core Strategy plan period.*' The Council has proposed to undertake a review of boundaries through a subsequent Housing Site Allocation DPD, which is anticipated to be adopted by July 2015, to address this matter. However, at present, the comments of the Inspector that the town policy limits are effectively out of date means that the application has to be considered in the light of the NPPF policy that states that where the development plan is out of date, *planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits* (paragraph 14 NPPF)

The Council presented updated evidence, related information and further modifications to the Core Strategy Inspector on 28 February. Although the Council is confident that the submitted information addresses the soundness concerns expressed by the Inspector in his recent procedural letters, it is too early to say with confidence that the Core Strategy examination will be expeditiously resolved. Until the Council receives confirmation that the Inspector is prepared to accept that all issues of soundness have been addressed, it is considered prudent to recommend that planning permission be granted for proposed development.

The National Planning Policy Framework

The National planning Policy Framework (NPPF) requires an assessment to be made as to whether the housing market area within which Westbury sits has a five year supply of housing land. If this cannot be demonstrated, then the policies in the development plan relevant to the supply of housing cannot be considered to be up to date. In these circumstances, unless any adverse impacts would significantly and demonstrably outweigh the benefits, proposals should be considered favourably for permission (NPPF paragraph

14). The adequacy or otherwise of a 5 year land supply in the North and West Wiltshire Housing Market Area within which Westbury is located is therefore a material consideration in the determination of this application, alongside the relative benefits and disbenefits of this scale of development on this site at this time.

As discussed the Council has accepted that the overall housing requirement for Wiltshire should increase in line with the Inspectors suggestions in his letter of 2nd December (i.e. an increase to 42,000) which will require the housing requirements for each housing market area to be reviewed. While the Inspector suggests that a 5 year land supply (together with a 5% buffer) could be achieved in Wiltshire at this higher level, work is currently being undertaken to determine how the increased housing supply will be distributed at the housing market area level and how supply will be met against the proposed new figures throughout the Plan period. This assessment includes re-examining the land supply taking account of the revised housing requirement at housing market area level and the significant number of planning applications granted in the last year. Current indications are that a 5 year land supply can be achieved at housing market level, but that a further 200 houses above and beyond current allocations will be required in Westbury during the plan period. The Core Strategy Inspector has yet to confirm that he agrees with these indications.

Other considerations

The Localism Act introduced new rights and powers to allow local communities to shape new development by coming together to prepare a neighbourhood plan. Neighbourhood plans establish general planning policies for development and use of land within their neighbourhood and once they have been completed would form part of the Local Development Plan where planning applications would be assessed against. It is important to note that neighbourhood plans can only be taken forward by the town council or a neighbourhood forum. There is currently no development of a Neighbourhood Plan in Westbury at this moment in time.

Policy Background - Conclusion

The town policy limits have been found by the Core Strategy inspector to be out of date, bringing into play national policy in the NPPF that states that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (NPPF paragraph 14). The issue of the 5 year land supply is less clear cut, with the Council indicating to the Inspector that it considers there to be a 5.64 year land supply, compared to the 5.25 required. The Inspector has yet to confirm whether he agrees with this and the margin is thin. In any event, the Council has suggested that an additional 200 houses are required in Westbury during the plan period. In these circumstances, there are good grounds for granting planning permission on this site if it is sustainable and there are no significant and demonstrable adverse impacts.

9.2 IMPACT UPON CHARACTER AND APPEARANCE OF THE AREA

The site is located in the open countryside bounded by residential to the South, a railway line to the North and the A350 to the East. An area of open space known as Bitham Brook is located to the west. It is therefore considered that due to the site being relatively contained and enclosed it would not have any significant adverse impact upon the character and appearance of the area.

The site is not located within a special landscape area and is identified as Rolling Clay Lowland in the West Wiltshire Landscape Character Assessment. Due to the site being relatively enclosed it is not considered that the proposal would adversely affect the landscape character.

The Conservation Area is located 250 metres from the site and is separated from it by existing development. Therefore it is considered that the proposal would not have an adverse impact upon it.

Open space and landscaping do not form part of the outline proposals but are shown on the masterplan and sees children's play areas, amenity open space, retained woodland and SUDS ponds all of which have been deemed appropriate by the land adoption team within Wiltshire Council. The landscape proposals also see important trees and hedgerows protected.

There is a low voltage overhead line that runs across the site (owned by Scottish and Southern Energy) that will be either planned around, located underground or moved to enable new residential development to commence on site. This detail will be assessed as part of a future reserved matters application.

The south corner of the site closest to the existing roundabout and the west of the site is allocated for further tree planting. This level of detail is not being assessed during this application but will be expected to be incorporated into any reserved matters application.

A concern with the length of time proposed to build the 220 houses (4 years) has been raised however this is not a material planning consideration when making a recommendation on this application. The location of children's play facilities, flood lighting and design are also not for consideration under this current application but will be looked at as part of any reserved matters application.

9.3 LAND QUALITY

9.3.1 Flood Risk & Drainage

The site is located within Flood Zone 1 (the lowest risk) where residential uses are considered to be appropriate in flooding terms. A surface water management plan is proposed to ensure that run off will be limited and thus will not impact on flood regimes downstream or the flows required to pass through the culvert beneath the railway embankment.

The west of the site is allocated in the Local Plan as an indicative flood plain. The masterplan identifies that this particular area will be used as open space and therefore it is considered that there would be no impact on proposed future or existing residential properties.

The proposed open space will include a network of swales and SUDS (sustainable urban drainage scheme) ponds which will seek to attenuate surface water and provide a buffer to visual amenity along the western edge of the development and create the opportunity to enhance the biodiversity value of the green space. A concern regarding an increase in surface water leading to more localised flooding has been raised through the public consultation process, however the Environment Agency, Wessex Water and Wiltshire

Council Drainage Officers have not raised any objections to the proposed scheme and it is therefore considered to be appropriate.

9.3.2 Land Contamination

The Geo Environmental Assessment that was submitted with the application concludes that there is low level risk of the land in question being contaminated. It is therefore considered appropriate to add conditions to any approval requiring written confirmation that the land is free from contamination and what to do if contamination is found at a later stage. These conditions are considered to be acceptable.

9.3.3 Archaeology

Policy C15 states that *Archaeological assessment will be required for development proposals within the Areas of Archaeological Interest, or affecting an area of 1 hectare or more within Areas of Higher Archaeological Potential, as shown on the Proposals Map.*

Due to the overall site being over 1 hectare, trial Trenching has been undertaken which has revealed a couple of areas of archaeological interest mostly of which appear to be prehistoric in date. IN line with the NPF it has therefore been recommended by the Archaeologist that a condition is attached to any approval for archaeological mitigation in the form of a programme of archaeological excavation and recording. This condition is considered to be appropriate.

9.3.4 Agricultural Land Quality

The site is made up of land that is grade 3a and 3b, not the higher quality Grades 1 or 2.

9.4 ECOLOGY

There are two statutory biodiversity sites of international importance location within 4km of the site known as Salisbury Plain Special Protection Area (SPA), and the Salisbury Plain Special Area of Conservation (SAC). Two SSI's (Sites of Special Scientific Interest) are located within 2km of the site (Picket Clanger Wood & Bratton Downs). However, the development should not directly impact on these. The habitats within the development site are generally assessed as being of low ecological value. No evidence of great crested newts has been found and five species/groups of bats have been identified commuting and foraging within the site.

It has been considered by the Ecological Officer that the proposal subject to various mitigation measures would not be detrimental to ecology and therefore would not warrant a reason to refuse the application.

9.5 NEIGHBOURING AMENITY

Due to the application being in outline, the impact of the proposed development upon neighbouring properties in terms of overlooking and overshadowing cannot be assessed as the location of dwellings including heights and location of windows are yet to be determined. However due to the location of the site adjacent to a railway line and busy road the amenity of any future occupants have to be taken into consideration at this stage. The Environmental Protection Officer has advised that any future detailed design would have to ensure that

external recreation areas are sited on the protected facade of the dwellings, windows to habitable rooms should also be sited on the protected facade or where that is not possible the windows, doors, and building envelope should be upgraded and a mechanical ventilation system shall be installed so as to obviate the need to open windows on the noise affected facade.

It is therefore considered that the amenity of future occupants can be safely protected and therefore would not result in a reason to refuse the application. In this regard, planning permission was granted on appeal by the Inspectorate for a housing site at Slag Lane that similarly backs directly onto the railway line

Concerns raised through the public consultation include views of the White Horse being lost from private houses and issues with the temporary use of construction traffic both of which are not material planning considerations when making a recommendation on this application. An increase in noise from an increase in traffic has also been raised. It is acknowledged that there would be an increase in traffic however this would not warrant a refusal reason based on noise as the road is existing and the proposal would not make the existing situation significantly worse than currently exists.

9.6 HIGHWAYS

With regards to the proposal, access to the site will be via a new junction off The Mead. A new pedestrian crossing will link the site with existing public footpaths to the Co-op and Bitham Brook Primary School to the south east and the town centre via the existing route alongside Bitham Brook to the south. It has been considered by the Council's Highway Officer that the proposal is considered to be appropriate.

The Council's Highway Officer has concluded that the proposal would not cause capacity issues at the roundabouts at either end of The Mead.

There is no dedicated cycle network in Westbury, however Wiltshire Council has an ambition to establish a town wide network of cycle routes. The proposal will provide a cycle route to contribute a safe linkage between The Mead and the Trowbridge Road to avoid the nearby roundabout and is therefore considered to be appropriate.

The site is within walking distance of the Town Centre, Local Shops and the train station. There are existing bus stops located on The Mead which are within walking distance of the site both of which will help connect the existing development to the town. There are no public footpaths crossing the site any reserved matters application should make good connectivity between the proposed new housing estate and the lakes at the Mead and to the public footpath known as WEST6. The surface of WEST6 between the railway bridges is not the best and therefore should be improved.

The emergency access to the A350 has been considered by the Highway Officer to be unacceptable however an emergency access or internal loop road would be required. The proposed relocation of bus stops have also not been sited at the most safe and convenient locations but this can be looked at in the reserved matters stage.

As the application is in outline the internal road layout is indicative and therefore is not up for consideration at this stage.

Concerns raised by the public consultation include excessive traffic on The Mead that does not have any traffic calming measures and A350 needing to be resurfaced. The Highways Officer is of the opinion that the existing road network is sufficient. Concerns raised also include the layout of the proposed access will lead to an increase in road traffic accidents and an increase in traffic will be a danger to children walking to school. Again, these concerns have not been raised by The Highways Officer and a financial contribution will be sought to improve local infrastructure. A further concern related to the loss of open space and a public walking route, however there are no public footpaths over the site, the site is privately owned and therefore no member of the public has a right to access this land.

Air Quality

An Air Quality Management Area has been declared on the A350 Warminster Road. The Transport Assessment submitted with the application and Air Quality Screening Assessment however demonstrates that the effects of additional traffic are likely to be insignificant within the AQMA and would not warrant a reason to refuse the application.

9.7 SECTION 106 OBLIGATIONS

The infrastructure items listed below are those that are relevant to the Application site and are required in order to satisfactorily mitigate the impact of the proposed scheme, in line with the tests set under Regulation 122 of the Community Infrastructure Levy Regulations 2010, and Paragraph 204 of the National Planning Policy Framework 'The Framework'. These are:

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

Policy I1 states that in housing developments, the District Council will where appropriate enter into legal agreements with developers under Section 106 of the Town and Country Planning Act to provide for new infrastructure, social, recreational and community facilities where the need for these arises directly from the development concerned. Provision should be commensurate with the scale and nature of the individual development. Provision may be on-site or contributions may be made to the provision of facilities elsewhere in the locality provided their location adequately relates to the development site.

The developer has agreed to the following. A Section 106 Legal Agreement has been written and is waiting to be signed subject to the outcome of this application.

Affordable Housing

Policy H2 states that *where there is a demonstrable lack of affordable housing to meet local needs, the provision of an appropriate element of affordable housing will be negotiated on site of 1 hectare or more and sites containing more than 25 dwellings within the urban areas.*

There is a demonstrable need for affordable housing in Westbury and therefore a level of 30% has been considered appropriate on this site (66 dwellings) with the following mix:

Affordable Rented: 1 bed – 20%, 2 bed – 35%, 3 bed – 30%, 4 bed 15%

Shared Ownership: 2 bed – 65%, 3 bed – 35%

The mix is negotiable and it is anticipated that 80% would be rented and 20% would be shared ownership.

It has been agreed that no more than 50% of the market dwellings can be completed before the applicant is in contract with a Registered Provider to deliver the affordable housing.

Education

Policy S1 states that where a proposal for residential development gives rise to the need for additional educational provision a planning obligation will be sought to meet that need. This is supported by paragraph 72 of the NPPF. The proposed development based upon 30% affordable housing would result in the need for 62 primary school places and 44 secondary school places. The site lies within the catchment area of Bitham Brook primary and Matravers School Secondary both of which are full and are forecasted to remain as so, therefore Wiltshire Council would require a full developers contribution for both.

These figures are based upon the outline information provided with 30% affordable housing and therefore may be subject to change once the detailed information is received. It is also important to note that the new 2013/14 cost multipliers are due to be in place soon which would also change the monetary figures.

Primary School Places - £12713 per place x 62 = £788,206

Secondary School Places = £19155 per place x 44 = £842,820

It has been agreed that the financial contribution will be given to the Local Planning Authority as follows:

- 10% upon commencement
- 40% upon completion of 100 houses
- 50% upon completion of 200 houses

Open Space

The principle of obtaining quality open spaces and opportunities for sport and recreation is stated in paragraph 73 of the NPPF and also within the Leisure and Recreation Development Plan Document (2009) adopted by Wiltshire Council.

In order to make the development acceptable in planning terms, using the calculations within the DPD, the proposed development has a Public Open Space requirement of 8073 m² of which 260m² should be equipped play provision. This has been satisfied on the site. The developer has indicated that the land could be transferred to public ownership or maintained by a management company although it would be the Councils preference for the land to be secured as public open space in perpetuity and transferred into public ownership. This issue can be left open in the S106 so that either option can be undertaken.

The site also has a sport and recreation requirement of 519m² which results in a financial contribution of £49,272 to be allocated to sport and recreation in Westbury.

Highways

Policy T9 states that planning obligations towards the introduction, improvement and enhancement of bus services will be sought where appropriate in order to increase accessibility to traffic generating developments subject to environmental and highways consideration. Policy T11 relates to cycleways and states that the Council will support the development of cycle routes through the district subject to highway and environmental considerations. T12 also states that existing footpath and bridleway networks will be retained and where possible improved and extended where opportunities arise. A financial contribution of £300,000 has therefore been agreed and is to be given to the Local Planning Authority as a one off sum following occupation of the 80th dwelling. This financial contribution could support the following measures (It is important to note that the Town Council and Area Board would be consulted on the following measures before they are agreed):

- Relocation of two bus stops on The Mead with the installation of high access kerbs at the new locations
- Footway and cycle improvements in the local area
- Submission and implementation of a travel plan

Ecology

The site is located within 4km of the Salisbury Plain Special Protection Area and as the proposal is likely to have a significant effect on stone curlews through recreational disturbance a contribution of £109.82 per dwelling is to be requested on developments of 10 or more dwellings which is in accordance with the Wessex Stone Curlew Project which has been agreed to by Natural England. This would represent a total commuted sum of £24,160.00

10. CONCLUSION

The Inspector's Letters in relation to the Wiltshire Core Strategy significantly changes the context in which this application can be considered. Reliance on the Town policy limits is demonstrably undermined by the Inspector's conclusion that the limits are not up to date. The question of whether a 5 year land supply exists is not finally resolved, although the Council's own figures indicate that it can be met, albeit marginally and still leaving 200 houses to be found in Westbury during the plan period.

In this situation, the policies of the National Planning Policy Framework (NPPF) apply. These apply a presumption in favour of sustainable development and state that planning permission should be granted unless any adverse impacts of doing so would demonstrably outweigh the benefits. The impacts of the development have been considered in the report above, and no significant adverse impacts have been demonstrated. Approval of the application, thereby increasing the housing land availability, may also help resist future proposals on less suitable sites, such as the land on the opposite side of the A350. In these circumstances, it is considered that planning permission should be granted.

RECOMMENDATION: Grant planning permission, subject to the prior completion of a S106 legal agreement requiring the contributions set out at Section 9.7 of this agenda and subject to the conditions set out below:

- 1 The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 No development shall commence on site until details of the following matters (in respect of which approval is expressly reserved) have been submitted to, and approved in writing by, the Local Planning Authority:

- (a) The scale of the development;
- (b) The layout of the development;
- (c) The external appearance of the development;
- (d) The landscaping of the site;

The development shall be carried out in accordance with the approved details.

REASON: The application was made for outline planning permission and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.

- 3 An application for the approval of all of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

- 4 No more than 220 dwellings shall be erected on the site.

REASON: To accord with the terms of the submitted application.

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

Figure 1.1 (Ref 33507-Shr83.dwg), Drawing labelled as Detailed Main Access received on 16th August 2013.

Reason: For the avoidance of doubt and in the interests of proper planning

- 6 No dwellings shall be constructed on site until details and samples 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.

- 7 No dwelling shall be constructed on site until there has been submitted to and approved in writing by the Local Planning Authority, a plan indicating positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed, before the buildings are occupied, in accordance with a timetable agreed in writing by the Local Planning Authority. The 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.

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

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- finished levels and contours of the land;
- means of enclosure;
- car parking layouts;
- other vehicle and pedestrian access and circulation areas;
- hard surfacing materials;
- biodiversity enhancement proposals
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);

All hard and soft landscape works shall be carried out in accordance with the approved details and shall be completed prior to the occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

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

- 9 No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until a Tree Protection Plan showing the exact position of each tree/s and their protective fencing in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction -Recommendations"; has been submitted to and approved in writing by the Local Planning Authority, and;

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

No retained tree/s shall be cut down, uprooted or destroyed, nor shall any retained

tree/s be topped or lopped other than in accordance with the approved plans and particulars. Any topping or lopping approval shall be carried out in accordance British Standard 3998: 2010 "Tree Work - Recommendations" or arboricultural techniques where it can be demonstrated to be in the interest of good arboricultural practise.

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

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

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

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

- 10 No development shall commence on site until the Local Planning Authority has been provided with written confirmation that, in the opinion of the developer, the site is likely to be free from contamination which may pose a risk to people, controlled waters or the environment. Details of how this conclusion was reached shall be included.

If, during development, any evidence of historic contamination or likely contamination is found, the developer shall cease work immediately and contact the Local Planning Authority to identify what additional site investigation may be necessary.

In the event of unexpected contamination being identified, all development on the site shall cease until such time as an investigation has been carried out and a written report submitted to and approved by the Local Planning Authority, any remedial works recommended in that report have been undertaken and written confirmation has been provided to the Local Planning Authority that such works have been carried out. Construction shall not recommence until the written agreement of the Local Planning Authority has been given following its receipt of verification that the approved remediation measures have been carried out.

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

- 11 No works shall commence on site until an ecological mitigation plan has been submitted to and approved in writing by the Local Planning Authority. The plan will contain details of measures necessary to avoid impacts to protected species and valuable habitats during the construction phase. The works shall then be implemented in accordance with the approved details.

REASON: In the interest of ecology

- 12 No works shall commence on site until a lighting scheme has been submitted to the Local Planning Authority. The lighting scheme shall then be carried out in accordance with the approved details.

REASON: In the interest of ecology

- 13 Construction of dwellings hereby permitted shall not commence on site until details of the storage of refuse, including details of location, size, means of enclosure and materials have been submitted to and approved in writing by the Local Planning Authority. A dwelling shall not be first occupied until the approved refuse storage for that dwelling has been completed and made available for use in accordance with the approved details and it shall be retained in accordance with the approved details thereafter.

REASON: In the interests of public health and safety

- 14 Construction of dwellings hereby permitted shall not commence until details of the estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture, including the timetable for provision of such works, have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved items serving that dwelling have been carried out in accordance with the approved details.

REASON: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby permitted shall not be converted to habitable accommodation.

REASON: To secure the retention of adequate parking provision, in the interest of highway safety

- 16 Prior to first occupation of any dwelling on site, the two bus stops on The Mead near to the site shall have been relocated, with high access kerbs installed at the new locations, in accordance with details to be first submitted to and approved in writing by the Local Planning Authority

REASON: In the interests of safe and convenient access to public transport.

- 17 Prior to first occupation of any dwelling on site, a pedestrian refuge with illuminated bollards and associated lowered kerbs and tactile paving shall have been constructed on The Mead in accordance with details to be first submitted to and approved by the Local Planning Authority.

REASON: In the interests of safe and convenient pedestrian access to and from the development.

- 18 Prior to first occupation of any dwelling on the site, the site access shall have been laid out and constructed including the installation of pipes to take the water flow in the frontage ditch, in accordance with details to be first submitted to and approved by the Local Planning Authority. The details to be submitted shall include a vehicle

track of a large refuse vehicle, (10.5 metres long) entering and leaving the site to establish that the proposed pedestrian refuge in the mouth of the junction is correctly located.

REASON: In the interests of highway safety

- 19 Prior to the occupation of the 20th dwelling on site, a 2 metre wide footway over the site frontage along The Mead between the end of the existing footway at The A350 / The Mead roundabout and a point 30 metres south-east of Bitham Brook shall have been constructed in accordance with details to be first submitted to and approved by The Local Planning Authority. The submitted details are likely to include a retaining wall to support the footway with safety rails on top of the wall (given the proximity of the substantial frontage ditch), and will include details of the relocation of the existing lighting columns to the back of the new footway.

REASON: In the interests of highway safety.

- 20 No development shall commence on site until a Full Travel Plan based on the submitted Framework Travel Plan has been submitted to and approved by the Local Planning Authority. The Full Travel Plan shall include details of implementation and monitoring including the appointment of a travel plan co-ordinator for 6 years, and shall be implemented in accordance with the agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to and from the development.

- 21 Prior to commencement of the development the two farm gate access points from the site to the A350 shall have been properly and permanently closed with the existing lowered kerbs being replaced by full height kerbs and the footway locally resurfaced to suit the revised levels.

REASON: In the interests of highway safety.

- 22 No access including pedestrian access points shall be made from the site to the A350 at any time, other than that shown on the approved plans.

REASON: In the interests of highway safety.

- 23 The development hereby permitted shall not be commenced until such time as a scheme to ensure no raising of ground levels within Flood Zones 3 and 2 as determined within the FRA prepared by AMEC Revision 5 dated 15 August 2013 has been submitted and approved in writing by, the local planning authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

REASON: To prevent increased flood risk by ensuring the satisfactory fluvial floodplain storage

24 No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution prevention measures, has been submitted to and approved by the Local Planning Authority. The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

25 The development hereby permitted shall not be commenced until such time as a scheme to ensure finished floor levels are set as described within the FRA prepared by AMEC Revision 5 dated 15 August 2013 has been submitted and approved in writing by, the local planning authority.

REASON: To reduce the risk of flooding to the proposed development and future occupants

26 No development shall commence until a surface water management scheme for the site as outlined within the FRA prepared by AMEC Revision 5 dated 15 August 2013, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall be situated outside of Flood Zones 3 and 2. The submitted details shall clarify the intended future ownership and maintenance provision for all drainage works serving the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

REASON: To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

27 No development shall commence on site until:

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

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.

28 No development shall commence on site until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. It 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;
- measures for the protection of the natural environment; and hours of construction, including deliveries.

The approved Statement shall be adhered to throughout the construction period. The development shall not be carried out other than in accordance with the

approved construction method statement without the prior written permission of the Local Planning Authority.

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

- 29 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect neighbouring amenity.

- 30 The reserved matters application shall include site layout, orientation of the dwellings and facade treatments and ventilation schemes designed to minimise the effect of both road and rail noise on the occupants by:
- " Siting external recreation areas on the protected facade of the dwellings
 - " Siting windows to habitable rooms on the protected facade of the dwellings; or where that is not possible
 - " Upgrading the windows, doors and building envelope and providing mechanical ventilation so as to obviate the need to open windows on the noise affected facade.

The details submitted shall be sufficient to meet the "good" standard, as described in BS8233:1999 in all habitable rooms either with windows open, or with windows closed if the second option for treatment is required; and shall achieve a maximum level of 55 dBA Leq in all recreational areas.

REASON: To protect the amenity of future occupants.

- 31 INFORMATIVE TO APPLICANT:
This permission shall be read in conjunction with an Agreement made under Section 106 of the Town and Country Planning Act, 1990 and dated the ?? 2014

- 32 INFORMATIVE TO APPLICANT
The Developer should be encouraged to submit an application for prior consent under the Control of Pollution Act, 1974 to the Local Authority to address mitigation of noise from the construction phase.

- 33 INFORMATIVE TO APPLICANT:
It is important for the applicant to note that the indicative layout has not been considered acceptable in terms of ecology due to the location of proposed footpaths which the Local Planning Authority will expect to be provided to create links to the neighbouring residential development and to the canal. A further ecological mitigation strategy relevant to species found within the site will also need to be submitted with any reserved matters application for approval.

- 34 INFORMATIVE TO APPLICANT:
The attention of the applicant is drawn to the following informatives requested by the Environment Agency:

1) There must be no interruption to the surface water drainage system of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively and that riparian owners upstream and downstream of the site are not adversely

affected.

2) Any surface water soakaways may require the approval of the Local Authority's Building Control Department and should be constructed in accordance with the BRE Digest No 365 or CIRIA Report 156 "Infiltration Drainage, Manual of Good Practice". Only clean, uncontaminated surface water should be discharged to soakaway.

3) There are ordinary watercourses within or in close proximity to the site. If it is intended to obstruct the flow in the watercourse (permanently or temporarily, including culverting) prior Land Drainage Consent will be required from Wiltshire Council as the Lead Local Flood Authority. Please contact the Drainage Team to discuss their requirements.

4) Wetlands are important wildlife habitats that support a wide variety of plants and animals, including rare and endangered species. Development should aim to prevent deterioration and enhance the status of aquatic ecosystems and associated wetlands. Furthermore a key output of the England Biodiversity Strategy for 2008 is a 50 year vision for wetlands. The Wetland Vision looks forward 50 years to a future where freshwater wetlands full of wildlife are found across the urban and rural landscapes, and where they are valued by society for the services they provide.

5) In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that a SWMP should contain depends on the estimated build cost, excluding VAT. The duty of care for waste must also be complied with. Because all waste movements need to be recorded in one document, having a SWMP will help to ensure compliance with the duty of care.

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National Design and Access Guidance

National Design Guidance that has been taken into account during the design process includes:

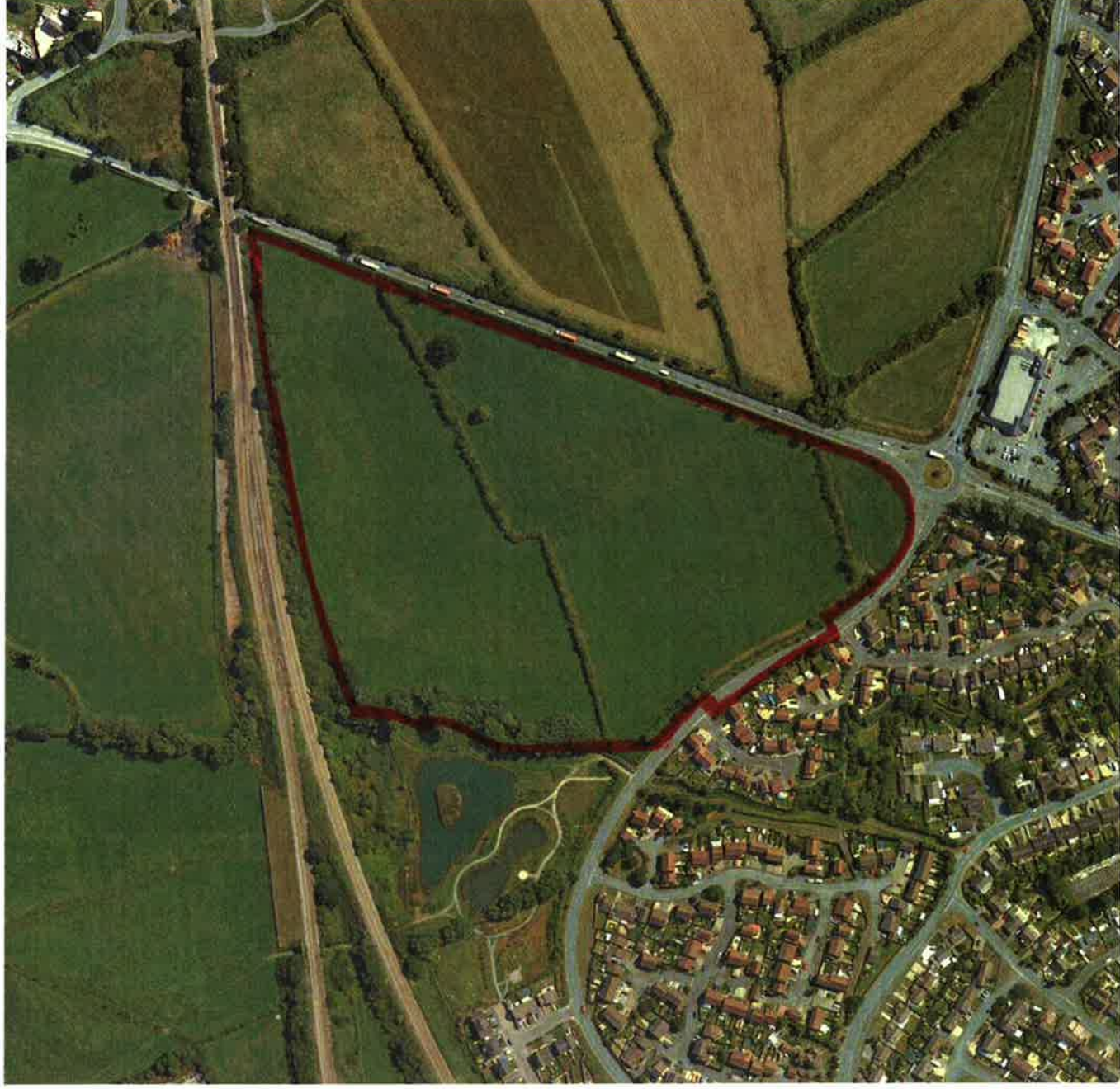
- Design and Access Statements - How to write, read and use them (CABE, 2007);
- Manual for Streets 1 and 2 (English Partnerships and the Housing Corporation, 2000 and 2007); and
- Design for Accessibility – Inclusive Environments (RIBA Enterprises, 2004).

The Application Process

The design proposals for the site have evolved as a result of technical work and discussions with key stakeholders, including the local authority. Dialogue with the Town Council, the Westbury Area Board, statutory bodies and the local community have also informed the plans.

Aside from site access, the proposals set out in this outline planning application are illustrative but aim to provide a structure for the key components of the scheme.

There will be a further opportunity for consultation on this outline application following grant of consent. The chosen developers of the site would submit reserved matters applications for approval to the Local Planning Authority. There would then be opportunity for public consultation on the final detailed designs.

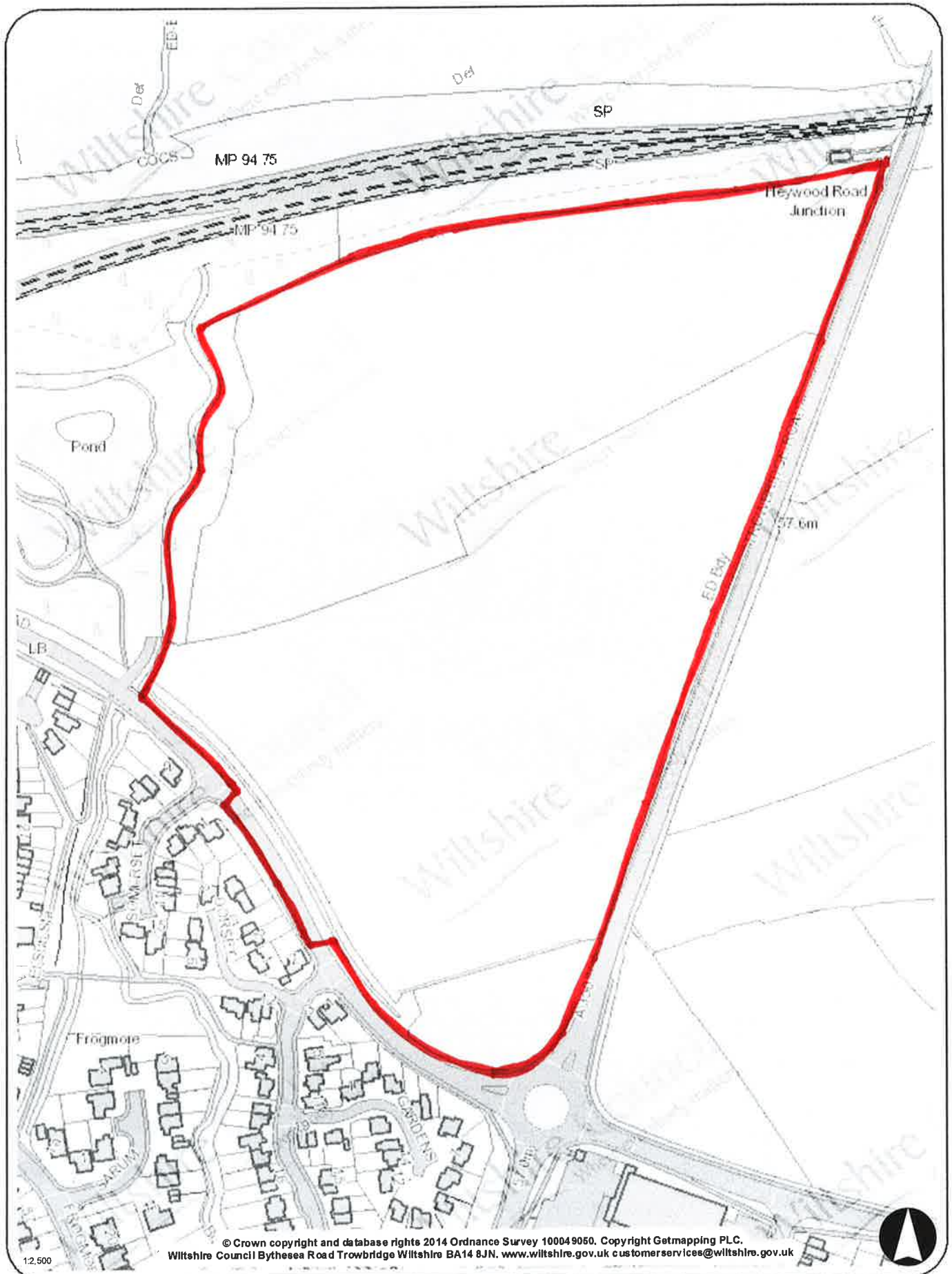


Right: Aerial view of the site.

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Land At The Mead Westbury

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