

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	6 April 2022
Application Number	PL/2021/03061
Site Address	Agricultural fields west of Whaddon Farm, Whaddon Lane, Hilperton, Trowbridge, BA14 6NR
Proposal	Construction and operation of a renewable energy scheme comprising ground mounted solar photovoltaic (pv) arrays together with ancillary battery storage and other associated infrastructure including inverters, external switchgear, dno substation, customer substation, security cameras, perimeter fencing, access tracks and landscaping.
Applicant	INRG Solar (Whaddon) Ltd
Town/Parish Council	HILPERTON
Electoral Division	Hilperton – Cllr Ernie Clark
Grid Ref	ST 87371 61056
Type of application	FULL PLANNING
Case Officer	Verity Giles-Franklin

Reason for the application being considered by Committee

The Division Member for Hilperton, Cllr Ernie Clark, has submitted a 'call-in' request for this application to be considered by a planning committee as Hilperton Parish Council have raised objections to the proposal, which are detailed in section 8 of this report.

The proposed development seeks planning permission for a solar farm that would occupy a site area exceeding 10 hectares (measuring c. 38.4 hectares in total) and therefore represents 'major' development, which in accordance with Wiltshire Council's Constitution, Part 3, 'Responsibility for Functions', last updated October 2021, should be presented to the Strategic Planning Committee.

1. Purpose of Report:

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

2. Report Summary:

This report appraises the principle of development, the impacts the development would have on the character of the area and on heritage assets, as well as ecology interests, highway safety (including rights of way) and flood risk/drainage.

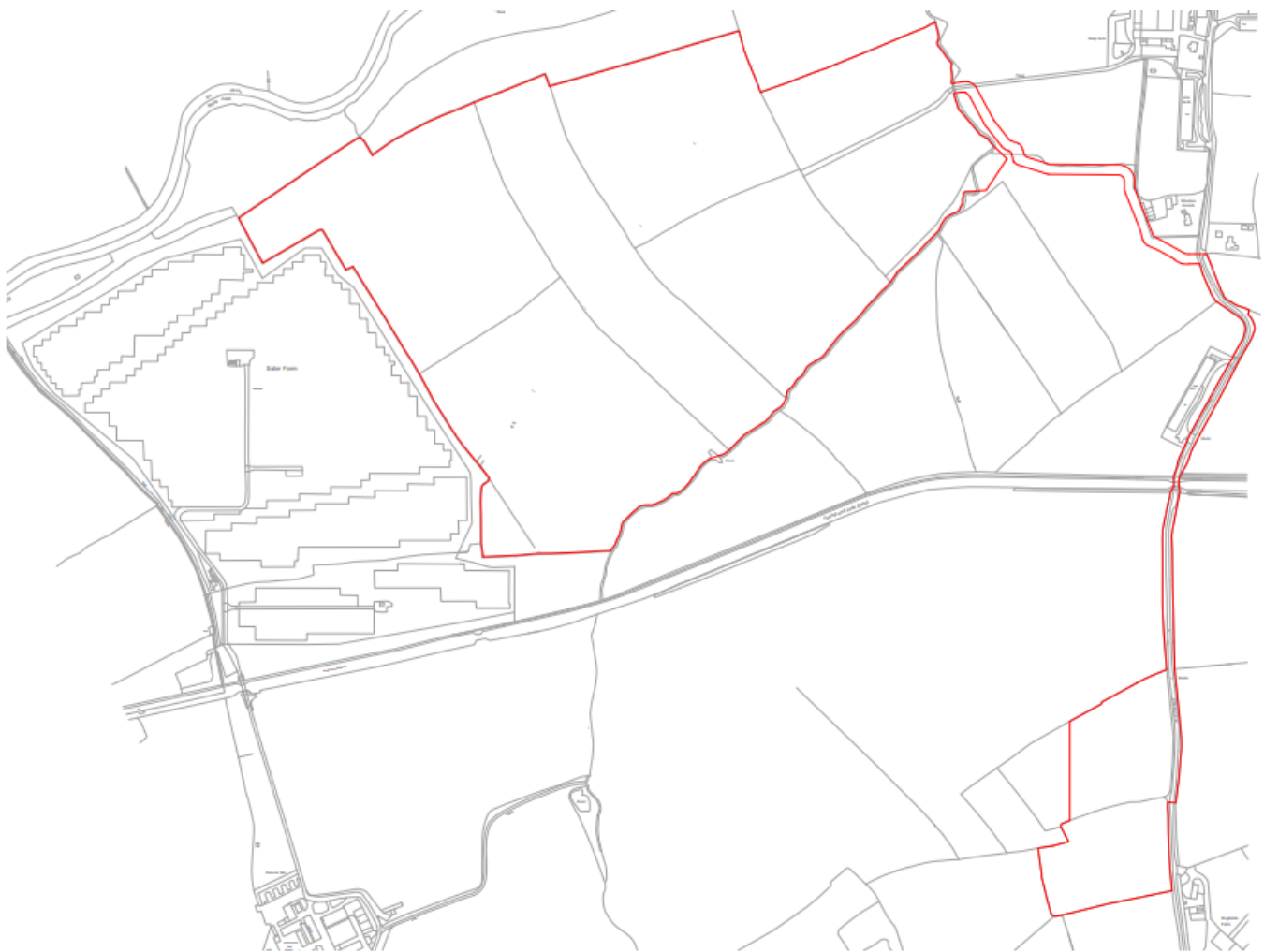
Hilperton Parish Council objects to the application, the details of which are provided within section 8 of this report.

Six public representations have also been received, which are summarised within section 9 of this report.

3. Site Description:

The application site is located to the west of Whaddon Farm, in the open countryside, and borders the Kennet and Avon Canal to the south, which is a non-designated heritage asset.

The application site would be accessed over the canal bridge located along Whaddon Lane, which provides a range of views over and across the application site. The proposals include the provision of a separate delivery depot to the south of the Kennet and Avon Canal to be used as a temporary construction compound for use during the construction phase of the solar farm, so that materials and plant vehicles can be stored and delivered here, prior to being transported to the main site by smaller vehicles mindful of the loading limitations of the existing canal bridge. The below extract taken from the submitted location plan illustrates the main development site to the north with the proposed temporary construction compound to the south, both of which are outlined in red:



1 WHADDON FARM SITE LOCATION PLAN
Scale: 1:2500 @A1

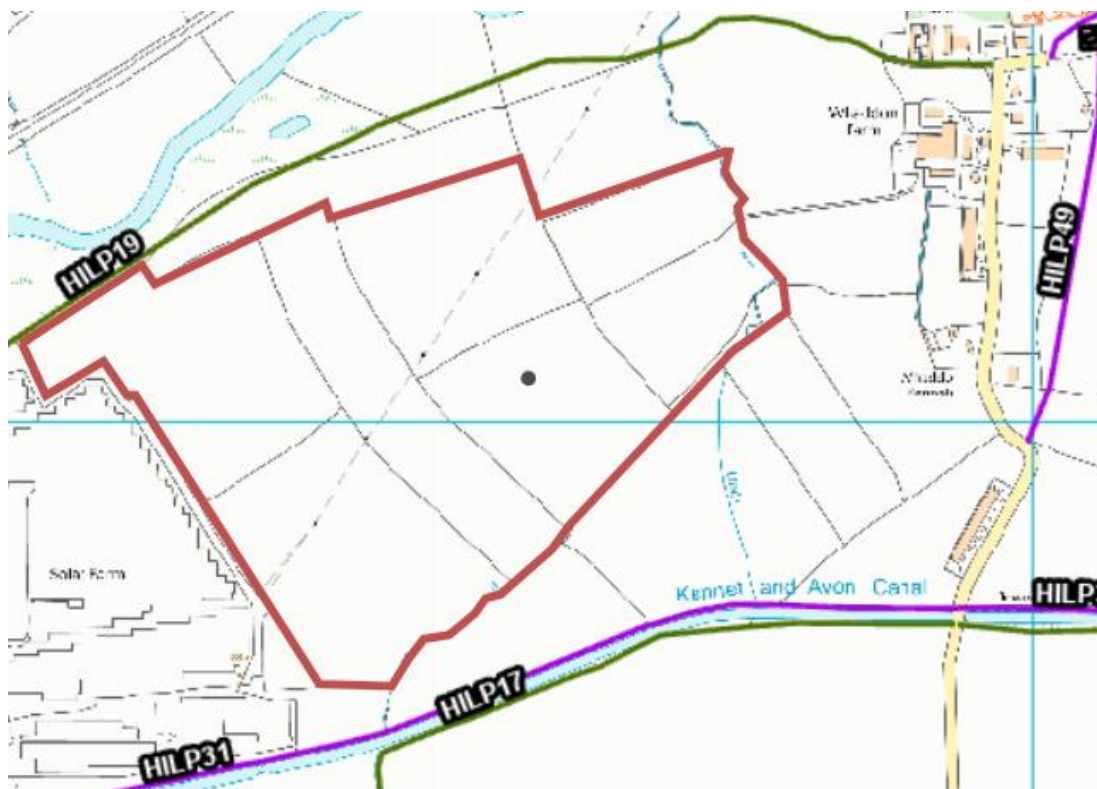
The application site is situated to the north of Hilperton and to the east of Holt and comprises an element of Grade 3 (good to moderate quality agricultural land) to the north, with the majority of the site classified as Grade 4 (poor quality agricultural land) agricultural land which Natural England defines¹ as having “severe limitations” for crop production “*which significantly restrict the range of crops or level of yields*” and therefore is mainly suitable for grass with occasional arable crops with variable yields and states that in “*moist climates, yields of grass may be moderate to high but there may be difficulties using the land. The grade also includes arable land that is very dry because of drought*”.

¹ [Guide to assessing development proposals on agricultural land - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/guide-to-assessing-development-proposals-on-agricultural-land)

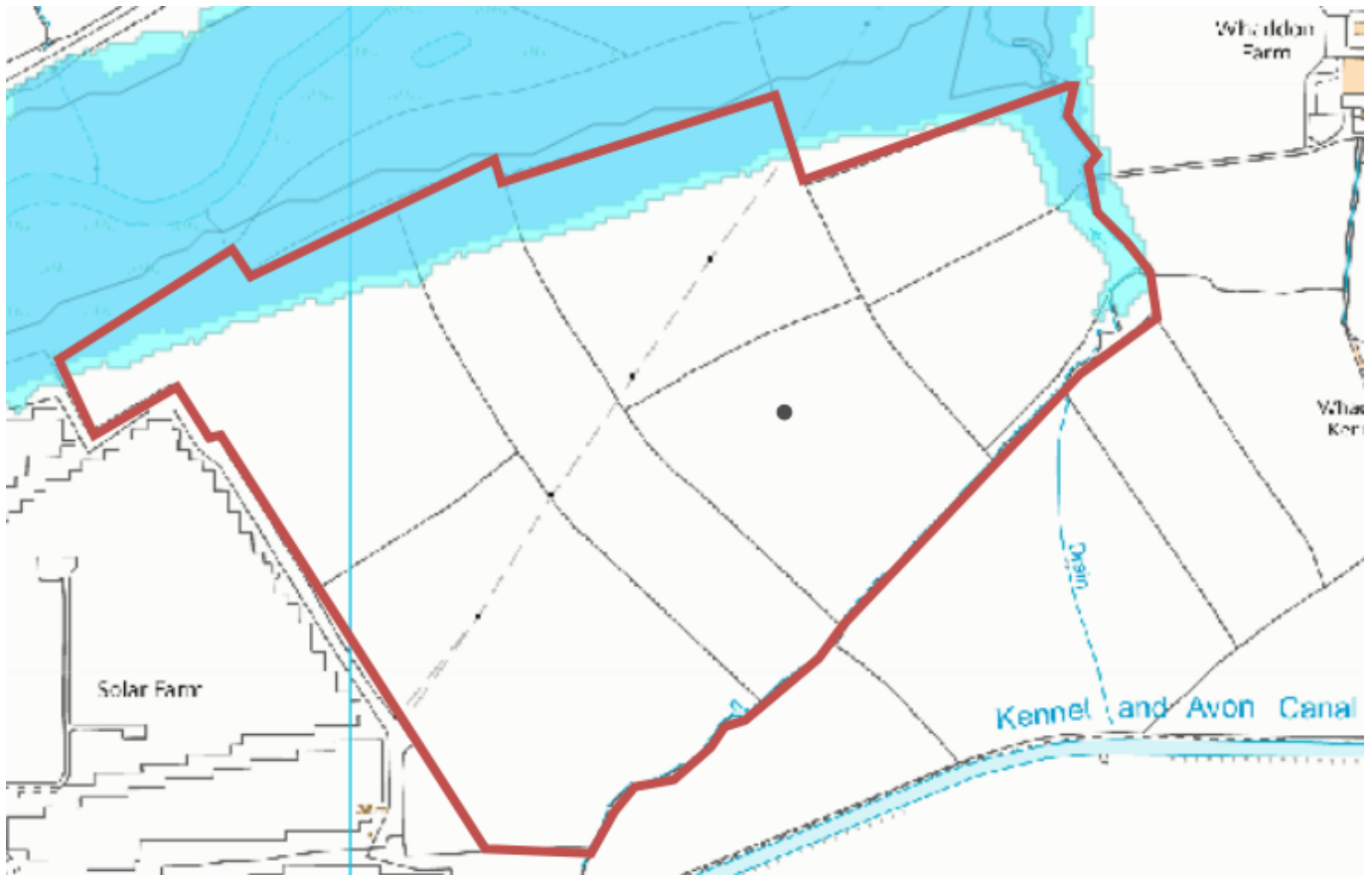
It is however noted from officers' review of the submitted application details that a site-specific agricultural land classification (ALC) survey has been carried out for this application, which concludes that the application site comprises a mix of Grade 3b and Grade 3a quality land, which Natural England defines as being 'moderate quality agricultural land' (subgrade 3b) and 'good quality agricultural land' (subgrade 3a). The ALC survey acknowledges that the majority of the site is recognised as Grade 3b which has a limited range of crops, with Grade 3b not being captured within the Framework's definition of 'best and most versatile agricultural land' in Appendix 2: Glossary.

There are a number of Grade II listed buildings within the wider setting of the site, including the Grade II* Church of St Mary to the east, as well as there being several listed buildings in nearby Holt, Hilperton, Semington, Broughton Gifford, Trowbridge and Melksham.

Two public rights of way (PRoW) dissect or are in very close proximity to the identified site: a bridleway (HILP19) crosses the site to the north and footpath (HILP31) runs to the south of the site, adjacent to the canal. The below extract taken from the council's mapping system highlights the main development site in red, with the bridleway in green to the north and the public footpath adjacent to the canal to the south in purple:



The northern boundary of the application site borders and is in close proximity to the River Avon, with the northern part of the site located on land designated as Flood Zones 2 and 3, as illustrated by the map excerpt provided below, as taken from the council's mapping system, which depicts the flood zones by the areas washed over in blue. The entire site is also identified as being susceptible to ground water flooding.



The application site is located adjacent to an existing solar farm to the west, which was approved under application 14/00592/FUL and varied by references 15/02185/VAR, 15/02267/VAR and 16/08560/VAR. The case officer's site visit confirmed that these planning permissions have been implemented for this solar farm.

The application site is also located entirely within the 'yellow medium risk' zone of the adopted Trowbridge Bat Mitigation Strategy² (TBMS) SPD which represents areas where habitat has been shown to be of importance or is highly likely to be important for bat species including Bechstein's, Greater horseshoe and/or Lesser horseshoe bats for foraging, commuting and/or roosting. In such areas, proposals for new development is required to demonstrate on-site habitat mitigation measures and confirm that the proposals would have no adverse effect on the site integrity of the Bath and Bradford on Avon Bat SAC.

In light of the site being located within the yellow bat sensitivity zone of the TBMS, the application has been screened under the Habitats Regulations (under Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019), and as such a Habitats Regulations Assessment (HRA) Appropriate Assessment (AA) has been carried out by Wiltshire Council's ecology department as a competent authority under the HRA process, to which Natural England have been consulted on. The AA has concluded that the proposed development would not have a likely negative impact to the bat SAC, subject to suitable mitigation measures being secured by way of imposing planning conditions on any planning permission granted, as discussed further in section 9.5 of this report.

4. Planning History

² The Trowbridge Bat Mitigation Strategy Supplementary Planning Document was approved by Council on 25 February 2020 and was prepared to support the Wiltshire Housing Site Allocations Plan, which was also adopted on 25 February 2020.

Further information available at: [Wiltshire Housing Site Allocations Plan - Wiltshire Council](#)

An EIA screening opinion (reference 20/11593/SCR) was submitted to Wiltshire Council under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in December 2020 where it was considered by officers that when taking into account the characteristics of the proposed development, whilst there is likely to be some local impact from the proposal solar farm, it would not be significant within the meaning of the EIA regulations and therefore it was concluded that an EIA would not be required in this instance.

The following planning history also relates to this application site:

W/91/01129/STU - Dismantle 33KV single circuit and erect 33KV Dual circuit overhead cable - Approved

15/02890/FUL - Change of use of 0.405ha of arable land to use for radio controlled model aircraft flying - Withdrawn

The below listed planning history relates to the neighbouring solar farm (Land North of Marsh Farm), which has been implemented on site:

14/00592/FUL - Installation of ground mounted photovoltaic (PV) solar arrays to provide 10.1 MW generation capacity together with transformer stations, landscaping, security fencing, access gate and ancillary infrastructure - Approved with conditions

14/11283/FUL - Installation of CCTV system within the perimeter of an approved ground mounted PV solar park at Marsh Farm (Ref: 14/00592/FUL) - Approved with conditions

15/02185/VAR - Variation of condition 2 of planning permission 14/00592/FUL for 25 year permission to commence from first exportation of electricity to the grid - Approved with conditions

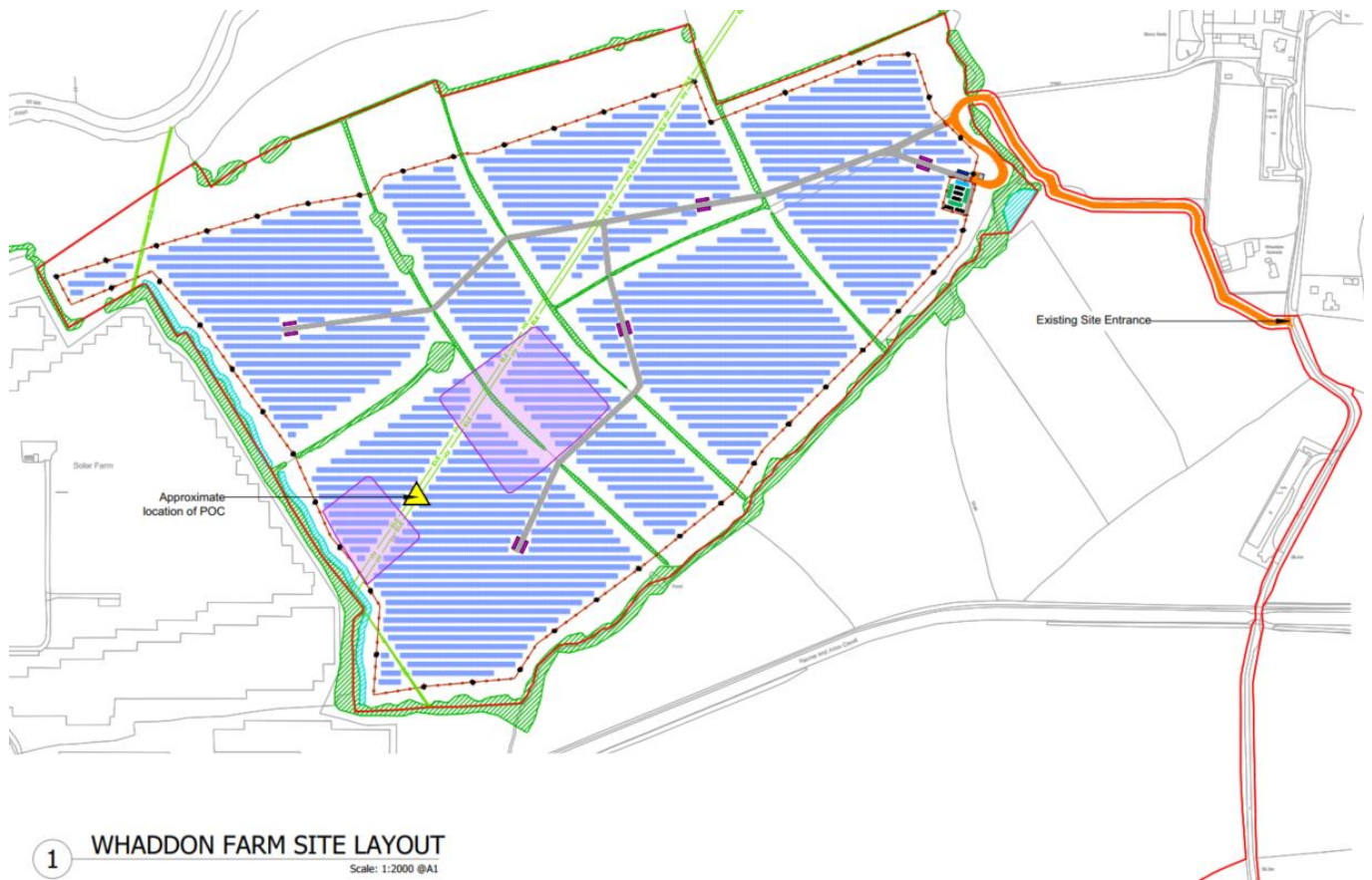
15/02267/VAR - Variation of condition 2 of planning permission 14/11283/FUL for 25 year permission to commence from first exportation of electricity to the grid - Approved with conditions

16/08560/VAR - Variation of Condition 2 of planning permission 14/00592/FUL to extend length of planning permission to 2055 (Installation of ground mounted photovoltaic solar arrays together with transformer stations, landscaping, security fencing, access gate and ancillary infrastructure) - Approved with conditions

5. The Proposal

This planning application is seeking planning permission for the change of use of the site from agricultural land and the construction of a 25MW ground mounted solar farm, together with a c.18MW battery storage facility and associated infrastructure including: inverters; customer switchboard; a substation; a medium voltage power station; security cameras; perimeter fencing; access tracks; and landscaping, for a temporary period of 40 years.

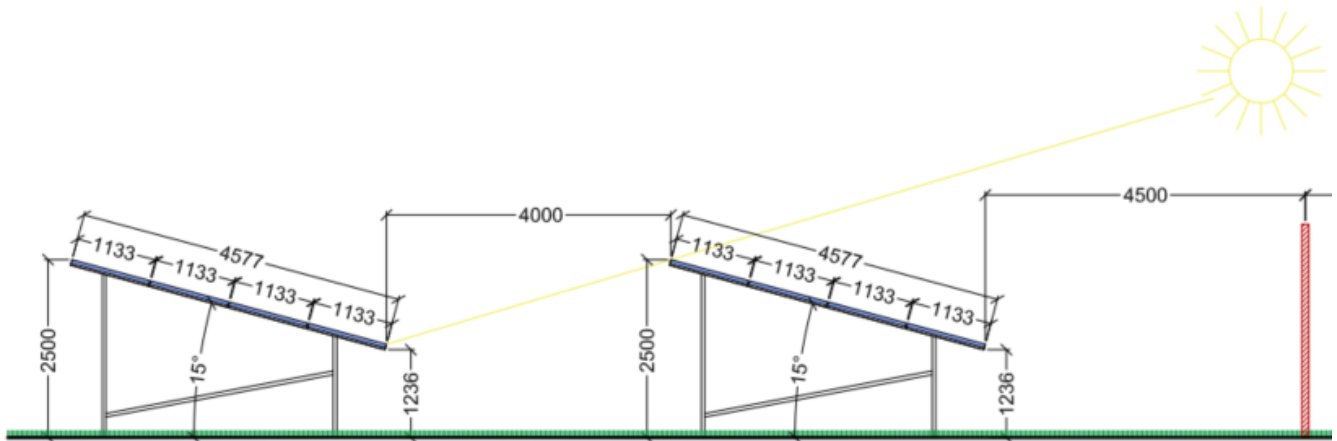
The main development site extends to approximately 37ha and would be located adjacent to the existing solar farm originally approved under planning application reference 14/00592/FUL. The extract provided below illustrates the proposed site layout, with the ground mounted solar panels illustrated by the blue lines and the orange line to the east illustrating the site entrance and access route from Whaddon Lane to the proposed development, with the existing solar farm to the west:



The proposed solar panels would have a maximum height of approximately 2.5m above the ground level, with the lower edge of the panels to be positioned a sufficient distance above the ground (c.1.2m above ground level) to accommodate grazing sheep around them.

The panels would be set at an angle of approximately 15 degrees from east to west across the field enclosure with a distance of approximately 4 metres between each row of solar panels. The panels would be orientated to face due south towards the sun and would be fixed to this orientation. The panels would be mounted on metal framework that would be supported by pile-driven foundations without the need for any form of concrete foundations and would be set back from the existing vegetation to prevent any damage to the root protection zones associated with existing trees and hedgerows and to avoid any overshadowing of the panels. A seeded vegetated buffer zone would be provided between the proposed perimeter fencing of the solar farm enclosure to the existing hedgerow boundaries that bound the application site

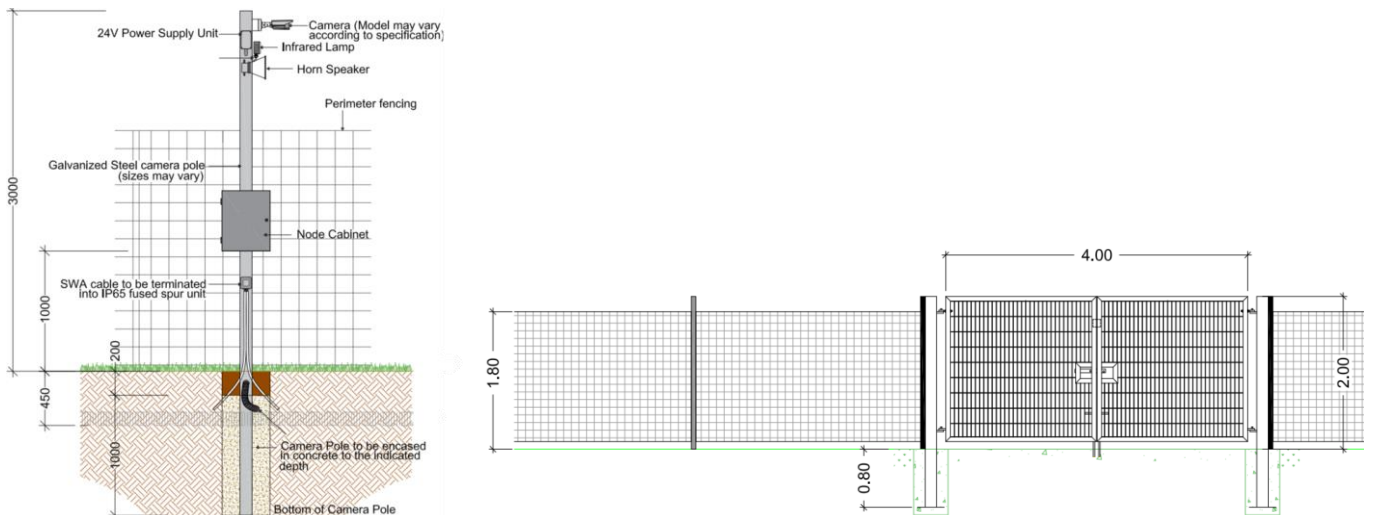
The extract provided on the following page illustrates the proposed side elevation of the photovoltaic solar panels.



2 PV SIDE ELEVATION
Scale: 1:50 @A1

The proposal also includes the introduction of perimeter fencing that would enclose the main development area where the solar panels and associated infrastructure and temporary buildings would be located, with CCTV cameras introduced at various intervals along the perimeter fencing. The fencing would include badger friendly/small mammal access points at various locations to allow mammals to pass across the site.

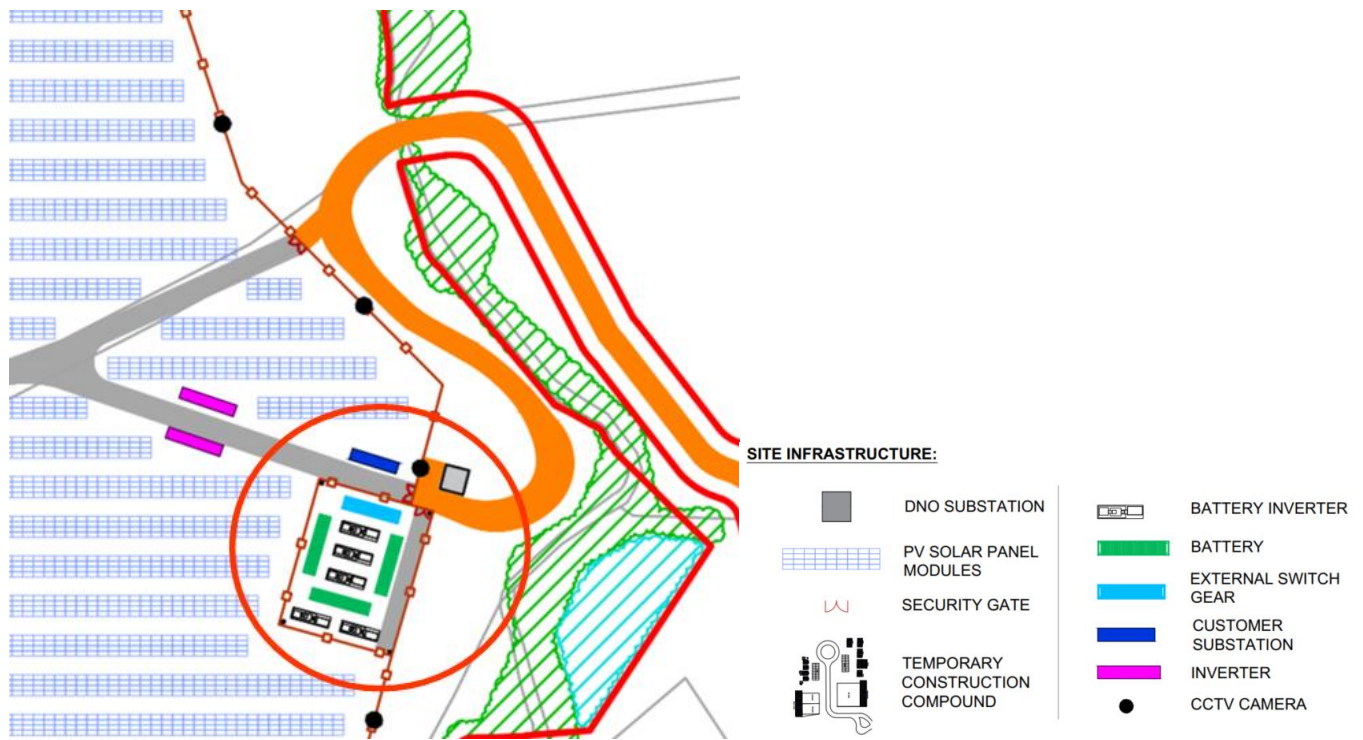
The CCTV cameras would be erected on 3 metre high galvanised steel poles along the perimeter fencing. The perimeter fencing itself would measure 1.8 metres in height and would include three 2m high access gates measuring 4 metres in width to the east of the site, as illustrated by the below extracts taken from the submitted plans:



CCTV pole and proposed elevation of perimeter fencing with an example of proposed access gate

In order to secure the separate proposed battery compound, a 3-metre high-security fence would be erected around the perimeter of the proposed batteries, transformers and external switchgear.

The proposed batteries (a total of 3), battery inverters (a total of 5), one external switchgear, one customer substation and one distribution network operator (DNO) substation would be sited to the east of the site, near the entrance to the proposed solar farm, as highlighted by the red circle marked on the below extract of the proposed site plan.



Zoomed in section of part of the site plan, to show the location of the main infrastructure close to one of the site entrances to the east of the application site, with associated key

The proposed batteries would measure a height of c.3.90m including the air ducts and would have a length of c.12.9 m. The battery inverters would measure c.2.12m in height with a length of 8.65m. The substation would measure c.3m in height and would occupy a length of 10 metres and 4 metres in width. The DNO substation would measure 7.1m in length with a height of c.3.26m. The external switchgear building would measure c.12.1m in length to a height of 4.05m. Therefore, none of the proposed buildings or structures would exceed 4.5m in height.

The proposed site plan also includes the introduction of 5 pairs of inverters across the solar farm that would border the proposed gravel access tracks. These would measure approx. 2.8m in length and 2.32m in height. The inverters would convert the direct current generated from the proposed solar panels into alternating current.

The proposed site plan also includes improvements to the natural screening around the proposed development site and a buffer zone to the south of the development site where the site borders the Kennet and Avon Canal (further details are included in section 9.2 of this report). The application is seeking to retain and reinforce the existing vegetated boundaries and hedgerows within the internal field patterns using native species, with supplementary planting along the northern boundary next to the existing public right of way and to the east including additional tree planting.

To the south, where the application site runs parallel to the Kennet and Avon canal, it is proposed to infill and reinforce the existing hedgerow and infill any gaps with oak trees, which would provide screening and limit views of the proposed development from the canal towpath. It is also proposed to widen the existing hedgerow to provide an additional line of double staggered native hedgerow planting. This would provide a better network for wildlife whilst also providing additional screening of the application site from the public rights of way.

6. Relevant Planning Policy

National Context: National Planning Policy Framework (NPPF) 2021; National Planning Practice Guidance; Planning (Listed Buildings and Conservation Areas) Act 1990; Natural England's 'National Character Area profile: 117 Avon Vales (NE522)' published January 2014

Local Context: The 2015 adopted Wiltshire Core Strategy (WCS), namely core policies (CP): CP1 - Settlement Strategy; CP2 - Delivery Strategy; CP3 - Infrastructure Requirements; CP29 - Spatial Strategy for the Trowbridge Community Area; CP30 - Trowbridge Low-Carbon, Renewable Energy Network; CP42 - Standalone Renewable Energy Installations; CP50 - Biodiversity and Geodiversity; CP51 - Landscape; CP53 - Wiltshire's Canals; CP57 - Ensuring High Quality Design and Place Shaping; CP58 - Ensuring the Conservation of the Historic Environment; CP60 - Sustainable Transport; CP61 - Transport and New Development; CP62 - Development Impacts on the Transport Network; CP64 - Demand Management; CP67 - Flood Risk.

The 'made' Hilperton Neighbourhood Development Plan (covering the plan period of 2017-2026)

Wiltshire Council's Local Transport Plan 2011-2026 and Car Parking Strategy

Trowbridge Bat Mitigation Strategy (TBMS) SPD, adopted in February 2020

Wiltshire Community Infrastructure Levy: Planning Obligations Supplementary Planning Document; Charging Schedule; Wiltshire Infrastructure Funding Statement

7. Summary of Consultation Responses

Hilperton Parish Council: Objects to the planning application, unless the proposal is amended to meet the following suggested conditions, copied verbatim below:

1. *Issue one – Application landscape and visual impact assessment (ALVIA). The claims set out in the Applicants ALVIA (pages 15 - 34), which are used to support the application, would be cumulatively critical to any granting of the application.*

Condition: Each individual claim must form a condition of any grant of planning permission.

2. *Issue two – Maintenance/ management of hedgerows. On page 7, section 3.21 of the ALVIA, reference is made to 'low hedges'. The information presented is incorrect, especially when viewed over time. To maximise ecological value and landscape enhancement, hedgerows should be only trimmed, if cut at all, in January / February, and then on a three year cycle. This is the traditional cycle of local hedge management for the subject area, where many hedges still bear the evidence of hedge-laying. In recent years the practice of cutting back hedges lower than is necessary with mechanical flails, usually in September, has become commonplace. This has severe, long-term impact on both the landscape and the. Low cut hedges will not meet the claims set out in the ALVIA for landscape impact mitigation and this failure to meet mitigations will be further exacerbated by seasonality.*

Condition: A condition should be placed on any planning consent to the affect that all hedges must be maintained, for the full duration of any installation, on the following basis:

- a. All hedges must be planted, replanted or gapped-up in double rows to meet DEFRA ELMS requirements,*
- b. be maintained to have a minimum Winter-months height of two metres,*
- c. have a minimum Winter-months width of two metres, and,*
- d. be cut in January to February only and no more than once every three years.*

3. *Issue three – New plantings. In order to mitigate impact on the landscape in the short and medium term, along with the need to maximise environmental benefits, far greater use should be made of planting broad-leaved woodland around the periphery of any proposed development. This would meet the strategic objectives under LCA 81 and LCA C2 of 'expanding the area and number of small broadleaved woodlands' and maintaining the 'overall rural nature of the area'.*

Condition: A condition should be placed on the current planning consent that requires habitat enhancement and landscape impact mitigation through the planting of broadleaf native woodland strips

with a minimum of 25 metres depth, that is to be maintained as woodland for the duration of the installation, along the entirety of the Northern, Eastern and Southern sides of the installation.

4. *Issue four – Access via Whaddon Lane and increased risk to road users. Whaddon Lane is a single-track road with no segregation of foot and vehicular traffic. There are numerous hazards throughout the length of the road and the increase resulting from site traffic, especially heavy goods vehicles during the construction phases, will pose a further significant threat to road users, both pedestrian and vehicular. Currently, there is no proposed mitigation of this risk. Regular users of Whaddon Lane are already concerned about this risk, particularly to pedestrians, cyclists, horses and their riders, and the potential for a serious accident. An area of real concern is the double blind bend immediately to the South of the proposed access point, which presents a notable hazard.*

5. *A permanent solution to this risk would be for the hedge on both sides of the road, through the double blind-bend, to be relocated back from the road, leaving a clear line of sight through the double blind-bend without loss of hedgerow cover; this would require cooperation from landowners. Given the proposed timescale for the installation, it is unlikely that these measures could be completed in time for the Development installation works and, therefore, appropriate traffic management procedures should be employed to ensure the safety of all road users.*

Conditions: To mitigate the risk to road users from site traffic along Whaddon Lane, the following conditions must be met:

- a. Prior to any approval of the application, the applicant is required to produce a proposal for the enhancement of lines of sight through the double blind bend which, at the same time, will detail how any removal of hedging is to be mitigated, i.e., by the planting of new hedging back from the road thereby enhancing the environmental and visual appearance of the double-bend, and increasing safety for road users through clear lines of sight,*
- b. if such proposal is acceptable and approval of the application is granted, a condition should be placed on the planning consent requiring the full implementation of the proposal within 12 months from the start of the Development works.*

Canal and River Trust: No objections subject to conditions to address concerns regarding the visual impact of the proposed solar farm on the Kennet and Avon Canal and details of the colour of the proposed associated infrastructure including fencing, CCTV poles and transformers to be provided. Also, have commented to say any lighting should be carefully controlled. An informative has also been recommended advising the applicant to contact a member of the Canal and River Trust about any works affecting their property.

Environment Agency: No objections and offered the following comment: *“In line with the FRA, all solar panels, referred to as arrays, and the fencing is located within flood zone 1 The only area in flood risk is the parts of the access route. Given the type of development proposed however we consider this to be low risk”.*

Historic England: No comments and offered the following response: *“On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.*

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request”.

Natural England: No objection and offered the following comment: *“Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection”.*

Wiltshire Council Archaeology: No objections subject to conditions following receipt of an archaeology survey update and fieldwork summary report in September 2021.

Wiltshire Council Drainage: Following the submission of the 'Addendum to the Flood Risk Assessment and Drainage Strategy' in September 2021, support the application.

Wiltshire Council Ecology: Following the submission of additional information including management plans in November 2021, no objections raised subject to conditions.

Wiltshire Council Highways: No objections subject to conditions relating to a pre-condition survey of the highway from the site up to Hilperton Village Hall and a condition for route signage prior to the commencement of development, to which the applicant is agreeable to.

Wiltshire Council Rights of Way: No comments received

Wiltshire Council Strategic Landscape Officer: No objection subject to conditions and provided the following comments: *"It is important to mitigate the impact on the Kennet and Avon Canal as much as possible, as this is an important asset for recreation and tourism. The canal is a linear feature in the landscape. As users walk or cycle or move in boats along the canal they may experience sequential glimpse or more open views of the Marsh Farm Solar development and the Fields West of Whaddon Lane Solar development. The cumulative effect may be that the two sites may be perceived as a single large solar farm development. It may be advantageous to consult with the Canal & River's Trust on providing suitable infill hedgerow planting adjacent to the canal towpath where there are gaps in the hedgerows or where the hedgerows are at a low height in order to mitigate the impact on views from the Kennet and Avon Canal.*

Please can you appropriately condition the details regarding the colour of the proposed fencing and equipment structures to be agreed with the Council prior to the commencement of the development. The colour of the proposed equipment will comprise a suitable shade of green to be carefully selected in accordance with Guidance Note 6 published by Cranborne Chase & West Wilts Downs AONB 'Colour and Integrating developments into the Landscape'.

Please can you appropriately condition a detailed lighting strategy to be agreed for the battery and substation compounds prior to development".

Wiltshire Council Tree Officer: No comments received

8. Publicity

Six representations (including multiple objections from the same residents) were received. It is noted from reviewing the submitted representations that many members of the public support the principle of the development but have raised concerns predominately regarding the visual impact and highway impact of the proposal. The following summarised objections and concerns have been raised within the submitted representations:

- Traffic during the construction phase
- Hazard for vehicles, pedestrians, cyclists and horse riders using Whaddon Lane during the construction phase, with an increase in heavy goods vehicles using the road
- Protection of the bridleway
- Alternative access is sought
- Improvement of the existing lines of sight at the double bend
- Replacement hedging planting for any hedgerows to be removed
- Existing hedgerows have been severely cut back in autumn reducing wildlife benefits and hedge growth
- Planning conditions should be recommended for the maintenance of the hedges

- Habitat enhancement and landscape impact mitigation should be introduced along the site boundaries
- Site is valuable for wildlife
- Existing trees and hedgerows should be retained
- Wide margins should be left around existing hedgerows
- Improved maintained of the site/hedgerows for ecological benefit
- Wildflower and seed mix should be sown
- Gates/entrances for mammals to be introduced
- Wildlife boxes installed
- Site is visible from canal and rights of way
- Loss of farmland
- Intrusive on the landscape
- Does not maintain the rural character
- Would be an industrialised land-use

9. Planning Considerations

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

9.1 Principle of Development:

9.1.1 The Framework is clear in paragraph 158 that when determining planning applications for renewable and low carbon developments, local planning authorities should:

- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and*
- b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.*

9.1.2 The Planning Practice Guidance (PPG) states that the planning system has “*an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable*” in Paragraph: 001 Reference ID: 5-001-20140306.

9.1.3 The PPG does recognise that large-scale ground-mounted solar photovoltaic farms “*can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively*” in Paragraph: 013 Reference ID: 5-013-20150327. It is acknowledged that solar farms are however temporary structures and therefore there is a need to ensure that planning conditions are used to secure the removal of such installations when they are no longer in use and to guarantee that the land is returned to its former use.

9.1.4 The application site is located outside the settlement boundary for Hilperton and therefore is in open countryside, occupying a series of agricultural fields bounded by existing hedgerows. It is noted that the construction of a solar farm does not directly meet one of the exception policies listed in paragraph 4.25 associated with CP2 of the adopted WCS, which aims to direct new development to the defined limits of development of the county’s Principal Settlements, Market Towns, Local Service Centres and Large Villages.

9.1.5 However, the WCS does contain a specific policy in CP42 relating to standalone renewable energy installations that confirms that proposals for standalone renewable energy schemes would be

supported subject to “*satisfactory resolution of all site-specific constraints*”, in particular proposals would need to demonstrate how the impacts on the following factors would be “*satisfactorily assessed, including any cumulative effects, and taken into account*”:

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

9.1.6 Out of the above listed criteria, it is considered that this proposal must satisfy parts i, iv, v, vi, vii and viii, as parts ii and iii are not relevant in this instance, as the application site is not located within the designated Green Belt and is not located within or adjacent to the New Forest National Park. An assessment to demonstrate how the application satisfies the above relevant parts of CP42 are discussed further within this report.

9.1.7 CP42 does however state that applicants would not be required to justify the overall need for renewable energy developments. The supporting text for CP42 mentions in paragraph 6.38 that “*standalone renewable energy installations, of all types, will be encouraged and supported*” and continues in paragraph 6.39 stating that “*standalone renewable energy installations within Wiltshire will require careful consideration due to their potential visual and landscape impacts, especially in designated or sensitive landscapes, including AONBs and the Stonehenge and Avebury World Heritage Site, and their setting*”.

9.1.8 It is duly appreciated that the introduction of renewable sources of energy production would contribute to the objectives of the Framework and local planning policy in addressing climate change and tackling the climate emergency, therefore the principle of the development is supported subject to satisfactorily addressing all site-specific constraints, as covered in the below sections of this report.

9.1.9 With regards to the proposed change of use of agricultural land on the main development site for use as a solar farm for a period of 40 years, on a site exceeding 33 hectares, it is noted that the majority of this land is classified as Grade 3b, which is not considered to comprise the best and most versatile agricultural land.

9.1.10 Annex 2 of the Framework defines “best and most versatile agricultural land” (BMV) as land that is considered to be Grades 1, 2 and 3a of the Agricultural Land Classification. The main development site does contain c.15.57ha of Grade 3a land with reference to the submitted Planning Statement dated March 2021, which therefore is considered to represent BMV land.

9.1.11 Paragraph 174 of the Framework requires planning policies and decisions to contribute to and enhance the natural local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of BMV.

9.1.12 In this instance, it is recognised that the proposed solar farm would be a reversible form of development, which would be in use for a temporary period (approx. 40 years). Following the decommissioning of the solar farm at the end of its operational life, the land can be restored to its former agricultural use, which can be secured through planning conditions. As such, it is not considered that the proposed development would result in the permanent and direct loss of the agricultural land, as any impact would be temporary.

9.1.13 On this basis, it is therefore considered that the proposed change of use would be acceptable and complies with criterion viii of CP42, subject to conditions being imposed to ensure that the solar farm

is decommissioned at the end of its operational life (either at the end of the proposed 40-year period or sooner) and the land restored to its former use and condition.

9.2 Visual Impact:

9.2.1 The application site is located within the Avon Vale Countryside Character Area (reference 117). Natural England's published National Character Area Profile for the Avon Vales, describes this as an "undulating, low-lying landscape of mixed, predominantly pastoral agriculture and small limestone-built towns, cut by the (Bristol) River Avon and its tributaries, and surrounded to the west, south and east by higher land". The area is considered to be characterised by a mix of arable and pasture with small and medium sized fields containing predominantly hedgerow boundaries, with few hedgerow trees.

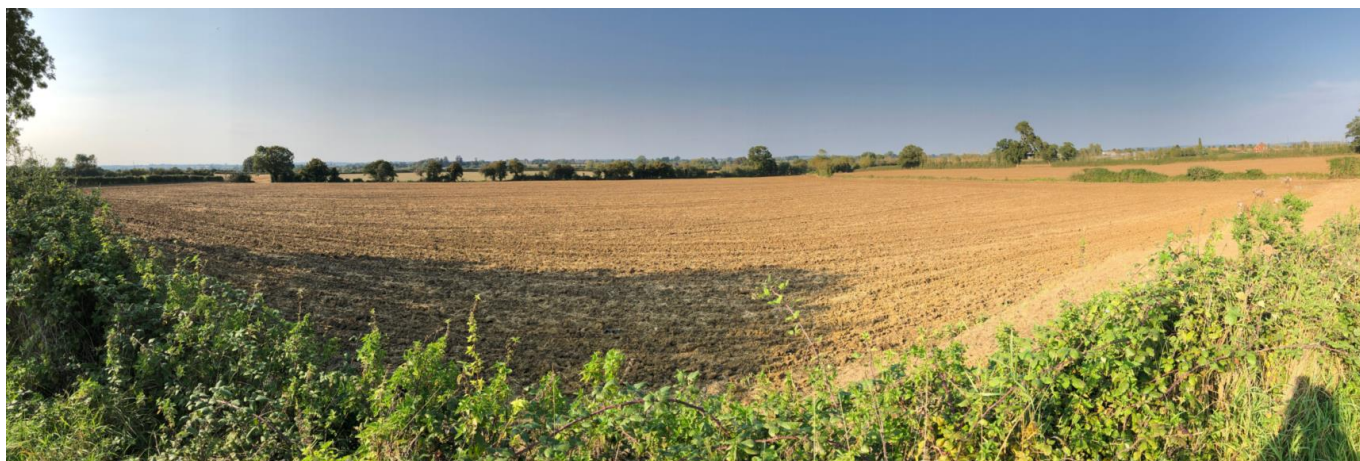
9.2.2 It was appreciated at the case officer's various site visits to the application site, that wide views of the proposed development site can be gained from the canal bridge along Whaddon Lane, and from the public rights of way to the north and south of the site, as illustrated by the below site photographs:



Photograph from canal bridge facing westwards - September 2020



View from bridleway (PRoW HILP19) facing south-west - May 2021



Views from canal towpath (PRoW reference HILP31) walking westwards - top photo taken September 2020, bottom photo taken May 2021

9.2.3 Some glimpses of the existing solar farm to the west of the application site can be gained from the canal towpath and along one of the intervening hedgerow boundaries between the application site and the existing solar farm. However, it was acknowledged that the vegetated boundary along the southern boundary of the existing solar farm has obscured the majority of views from the public domain, as illustrated by the below site photographs:



Photograph taken in September 2020 from the east of the Marsh Farm solar farm. The vegetated southern boundary of solar farm is visible to the left of the image



Photograph taken from the canal towpath (HILP31) without zoom from an elevated mound along the footpath



Photograph of established hedgerow along southern boundary of HILP31 adjacent to existing solar farm

9.2.4 Policy CP51 of the adopted WCS states that *“Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. 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”*. In addition, criterion i of CP42 requires standalone renewable energy schemes to demonstrate how impacts on the landscape have been satisfactorily assessed and taken into account.

9.2.5 Paragraph 174 of the Framework requires planning policies and decisions to contribute to and enhance the natural and local environment by *“protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils”* in criterion a.

9.2.6 It is duly appreciated that the proposal would result in a change to the character and appearance of the area, with the proposed installation of solar panels having some visual impact on the wider area, especially during the construction phase and immediately after completion, before the proposed mitigation planting becoming established. It is noted that concerns have been raised within the submitted consultation responses and representations about the urbanising impact the proposed solar farm would have on the landscape character of the area, with the proposed site in combination with the existing solar farm being viewed as one large scale development, therefore creating a cumulative impact due to the relationship between the two solar farms.

9.2.7 From officers' review of the submitted representations and consultation responses, it is acknowledged that some recommendations have been put forward, including increasing the setback of the proposed solar farm from the site boundaries, widening the buffer zones between the proposed solar panels from the existing hedgerows, and additional tree and hedgerow planting.

9.2.8 The submitted Landscape and Visual Impact Assessment (LVIA), produced by Pegasus Group states that the most evident element of the proposals would be the solar panels themselves, however the proposed development would retain and enhance the existing boundary hedgerows and provide additional tree planting. As such, the LVIA concludes that the proposals would not have a permanent negative impact on the local landscape.

9.2.9 Over the course of the application's determination period, revisions have been made to the proposed site layout and revised statements have been submitted to address the concerns and objections raised by consultees and third parties, which have been subject to fresh consultation exercises. As a result, wider buffers have been introduced around the site boundaries which are to be seeded with meadow mixes, with additional native hedgerow planting to be introduced along the site boundaries.

9.2.10 This application has been accompanied by a Detailed Planting Plan (reference P19-1958_11, Rev B) which illustrates and details the opportunities for new planting including grassland underneath the panels, the planting of new hedgerows, tree planting across the site and for buffer areas between the perimeter fencing and site boundaries to be planted with meadow mix seed.

9.2.11 As detailed on page 6 of the applicant's submitted response to the received consultee responses dated 13 July 2021, produced by Pegasus Group (a full copy of which has been published to the council's website), the *"landscaping schedule set out on the detailed planting proposals demonstrate that as part of the development over 110 new trees, approximately 9,250 new native hedges and substantial new buffer planting is proposed to enhance the existing natural boundaries of the site"*.

9.2.12 Along the eastern boundary, a buffer zone would be incorporated within the site layout between the existing vegetated boundary to the perimeter fencing of the solar farm enclosure. This would measure c.23 metres at its widest point and c.11m at its narrowest point towards the north-west corner of the site, as calculated from the proposed perimeter fencing to the site boundary. Along various sections of the site boundary, between 2-3 metre wide new native hedgerows would be planted which would also include interspersed tree planting. This buffer zone with additional hedgerow and tree planting would provide both a physical and visual separation between the proposed solar farm and the existing solar farm at Marsh Farm.

9.2.13 The proposed additional planting of trees and native hedgerows along the site boundaries and across the site would not only have a beneficial impact from a visual amenity aspect but would also have an ecological benefit to local wildlife and ecological networks.

9.2.14 The proposal seeks to retain and where possible infill and enhance the existing hedgerow boundaries with native shrubs and trees in order to restrict views of the proposed development whilst also improving the landscape character of the area. It is noted from reviewing the submitted Ecological Impact Assessment produced by Clarkson & Woods (dated February 2021), that the proposals would seek the retention of all hedgerows apart from the loss of approximately 5m of hedgerow that is required to widen the existing field entrances in order to facilitate the proposed access to the solar farm, with the removal of some small sections of hedgerow to accommodate the installation of the perimeter fencing. No trees are to be removed as part of this proposal.

9.2.15 Whilst the loss of some existing sections of hedgerow is unfortunate, it is duly appreciated that the proposal seeks substantial hedgerow planting (the planning of approx. 0.3km of new native hedgerow) and additional tree planting. Therefore, on balance, any harm caused by the loss of existing sections of hedgerow would be outweighed by the additional hedgerow and tree planting along the existing site boundaries and within the solar farm enclosure.

9.2.16 The planting proposals include additional hedgerow and tree planting along all boundaries, with the provision of new boundary hedgerows measuring a width of between two and three metres to be planted adjacent to the existing hedgerows to the east, south and west of the site, creating either a thicker hedgerow boundary or double hedgerow boundary. Additional tree planting is also proposed along all site boundaries including to the north, with internal hedgerows to be planted within the enclosed main development site where the solar panels would be sited, to be maintained to a maximum height of c.3m. A grass grazing mix would be planted within the solar panel enclosure, with a meadow seed mix to be sown within the buffer zones between the perimeter fencing and the site boundaries. A meadow seed mix suitable for wetlands would be used along the northern part of the site, between the perimeter fencing and northern boundary that would be more suitable for this location, given its proximity to the River Avon and associated flood zones. The extract provided on the following page illustrates the planting proposals:



9.2.17 The application has been submitted with a photomontage to show how the site would look after 15 years, once the proposed planting has established along the site boundaries, and this clearly illustrates that the solar panels would be sufficiently obscured once the vegetation has had the opportunity to mature. Whilst it is acknowledged that leading up to this period, some views of the solar panels would be gained from the public rights of way and the canal bridge, it is important to acknowledge that this would only be temporary until the planting has been left to establish. Suitably worded planning conditions would be imposed on any planning permission granted to ensure that the detailed planting scheme and associated maintenance would be adhered to.

9.2.18 In response to the comments received by the parish council and within the submitted third-party representations, the design and site layout of the proposed solar farm have been informed by the submitted Landscape and Visual Impact Assessment and such drawings would be conditioned accordingly in an approved plans list condition on any planning permission granted.

9.2.19 The application has also been submitted with a Landscape and Environmental Management Plan (LEMP) which provides specific details on the proposed landscaping strategy for the site and its long term management. It is considered reasonable to impose a planning condition requiring adherence to this LEMP to ensure the recommendations and management of the site are secured.

9.2.20 It is also important to mention that temporary permission of up to 40 years is being sought for the development, after which point the solar farm would be decommissioned and returned to its former agricultural use and again a planning condition would be imposed on any planning permission granted to secure this and to ensure that the land is returned to its former use once the solar farm is no longer required.

9.2.21 In addition, some of the comments and recommendations raised within the submitted third-party representations and within the Parish Council's response include proposed conditions, which relate to land that falls outside the application's redline boundary and on land to which the applicant does not own and therefore it would be unreasonable to expect the applicant to carry out certain works such as substantial woodland planting and improving the sightlines at the double bend on Whaddon Lane, as this does not entirely fall on land within the applicant's control and ownership and is located outside the application site subject to this application.

9.2.22 In response to the comments made about semi-mature hedgerows being planted which would offer more visual screening, the applicant has provided a response (published to the council's planning pages in July 2021) to this stating that it is considered that planting smaller transplants would offer the greatest level of natural screening to the site once they have had the chance to establish and are likely to suffer fewer problems when establishing compared to larger plants which suffer from periods of extreme weather such as drought and extended rainfall. Therefore, whilst smaller plants may not offer the same level of screening after a year compared to larger specimens, over time they would offer a greater level of natural screening, which is considered reasonable and no objections to this have been raised by internal consultees.

9.2.23 Concerns have also been raised regarding the colour of the proposed structures, perimeter fencing and associated development on-site. The applicant has confirmed that they would be agreeable to having a planning condition imposed requesting details of the proposed colour of the fencing and other infrastructure, which would be agreed prior to the commencement of the development and would be satisfied for this to be a suitable shade of green, to ensure that the proposed fencing and associated structures assimilate and harmonise within their rural setting.

9.2.24 The applicant has also commented to say that the facility would be unmanned with very infrequent visits being made for maintenance purposes, therefore having continuous lighting on the site would not be necessary and that the only lighting that may need to be installed would be within the proposed battery and switchgear compounds to be used only at times were necessary when an engineer is in attendance. It is however considered necessary and reasonable to impose a condition on any planning permission granted requesting details of any external lighting to be agreed with the local planning authority, prior to its installation, to ensure that the lighting does not result in an adverse impact on the character and appearance of the area or on any ecology interests.

9.2.25 In light of officers' assessment of the application details and the in-combination impact with the existing solar farm to the west of the application site, it is considered that the proposal would not create significant landscape harm, subject to planning conditions being imposed as discussed above. As such, the application is considered to satisfy criteria i of CP42 and CP51 of the adopted WCS and the requirements of the Framework.

9.3 Impact on Heritage Assets:

9.3.1 The application site occupies a series of agricultural fields to the north of Hilperton, with the proposed solar farm to be laid out across the existing field enclosures. To the south of the application site, the Kennet and Avon canal is located which is considered to be a non-designated heritage asset.

Furthermore, this site is located within an area of archaeological interest comprising medieval ridge and furrow features, with there being the Grade II* Church of St Mary approximately 540m to the east of the application, as well as there being several listed buildings in nearby Holt, Hilperton, Semington, Broughton Gifford, Trowbridge and Melksham. As such, this proposal needs to be assessed against the relevant legislation and policies.

9.3.2 In terms of the historic environment, the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) requires that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest that they possess. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 meanwhile also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

9.3.3 The Framework also requires that 'great weight' be given to the conservation of heritage assets and advises a balanced approach with the public benefits which may result from proposals being weighed against any harm caused. In particular, NPPF paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 leads on to require that any harm or loss of significance should require a clear and convincing justification.

9.3.4 Policy CP57 of the adopted WCS not only requires a "*high standard of design*" but in criterion iv requires new development to be "*sympathetic to and conserve historic buildings and historic landscapes*". CP58 of the adopted WCS similarly sets that the new development "*should protect, conserve and where possible enhance the historic environment*" and that designated heritage assets and their settings should be "*conserved, and where appropriate enhanced in a manner appropriate to their significance*".

9.3.5 It is appreciated that there would be some views of the proposed solar farm gained from along the Kennet and Avon canal, especially during the construction phase and once the development has been completed before the planting has had the opportunity to establish and mature. However, by year 15, it is considered that limited views of the solar farm would be gained from the adjacent towpath with the planting providing suitable screening of the solar farm from the public footpath and non-designated heritage asset.

9.3.6 The submitted LVIA has also demonstrated that there may be some short sections of the towpath adjacent to the Kennet and Avon canal where some filtered views of the existing Marsh Farm solar farm would be viewed in the same field as views of the proposed development. However, it has been concluded in the LVIA that there would be no notable views of the two schemes together and as such it is not considered that the potential in-combination impacts of the two solar farms would result in a significant loss of visual amenity or harm to the setting and significance of the non-designated heritage asset, with the proposed mitigation planting providing screening of the solar farm.

9.3.7 It is appreciated that during the construction phase and immediately after completion of the proposed solar farm, some views of construction vehicles and associated construction activities on-site may be gained from the nearby heritage assets including the Church of Saint Mary. However, it is considered that the intervening built form and established vegetation would largely screen views of the application site from the Grade II* listed building. Again, it is considered that the proposed mitigation planting that is proposed within the solar panel enclosure and along the site boundaries would provide suitable screening of the proposed solar farm from its wider setting. Therefore, it is not considered that the proposed development would harm the setting or significance of nearby designated heritage assets. Indeed, it has been concluded within the submitted Heritage Statement (produced by Cotswold Archaeology) accompanying this planning application, that 'no harm' would be caused to the nearby listed buildings, the Holt Conservation Area or the non-designated heritage asset of the Kennet and Avon canal.

9.3.8 In terms of archaeology, within the south-eastern section of this site, a cropmark of a possible prehistoric ring ditch and linear feature have been identified, which the submitted Heritage Statement considers may be the remains of a post-mediaeval sheep house or form of enclosure. The Fieldwork Summary report produced by Cotswold Archaeology following an archaeological evaluation of the site in August-September 2021, where 86 trenches across the main development site were evaluated, identified sherds of pottery broadly dating from the Iron Age/Roman periods and animal bone fragments.

9.3.9 The council's archaeologist was consulted as part of the determination of this planning application for their expert view of the proposals and has commented to say that the archaeological evaluation of the application site that was carried out in August and September 2021 has identified two areas of archaeological interest one towards the centre of the site with the second towards the south-west boundary of the application site both of which are likely to be stock enclosures dating from the Iron Age.

9.3.10 It is therefore been agreed that no service trenches would be excavated within these two particular sites, as outlined in purple on the below extract taken from the Survey Update drawing produced by Cotswold Archaeology (drawing reference CR0613, Figure 1, which has been reflected within the latest iteration of the site layout plan for the proposed solar farm) and that the only ground disturbance within these particular parts of the site would be from the installation of solar panels that would be no more than 200mm in depth and therefore would have no impact on the identified archaeological features which are considered to be between 300mm-400mm below ground level.



9.3.11 The council's archaeologist has recommended that a planning condition be imposed on any planning permission granted requesting the submission of an Archaeological Management Plan (AMP) to set out the methodology for the protection of the two areas identified as being of archaeological interest during the construction phase and to ensure their protection during the operational phase of the solar farm.

9.3.12 In light of the above assessment, it is considered that the proposals would comply with criterion v of CP42, CP57 and CP58 of the adopted WCS and national planning policy.

9.4 Ecology:

9.4.1 The application site is located entirely within the 'yellow medium risk' zone associated with the adopted TBMS and the application has been subject to an Appropriate Assessment (AA) under Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and Natural England were consulted as part of this.

9.4.2 CP50 of the adopted WCS requires development proposals to *“demonstrate how they protect features of nature conservation and geological value as part of the design rationale”* and requires all proposals to *“incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development”*.

9.4.3 Improving biodiversity has been enshrined within the environmental objective contained within paragraph 8 of the Framework for achieving sustainable development. The Framework also requires net gains for biodiversity to be provided including by *“establishing coherent ecological networks that are more resilient to current and future pressures”* as set out within paragraph 174d.

9.4.4 The application has been submitted with: an Ecological Impact Assessment (produced by Clarkson & Woods, dated February 2021) including appendices of the survey technical reports and Biodiversity Net Gain Metric spreadsheet; Solarview Ecological Monitoring of Solar Site Overview of 2019 surveys (produced by Clarkson & Woods); Landscape & Ecological Management Plan (produced by Pegasus Design, dated October 2021); Biodiversity Management Plan (produced by Clarkson & Woods, dated October 2021); drawing no. P19-1958_11, Rev B, Detailed Planting Plan, produced by Pegasus Design; drawing no. P19-1958_100, Rev A, Indicative Landscape Sections, produced by Pegasus Design; Information to Inform Habitat Regulations Assessment Stage 2 Appropriate Assessment, Version 1 (produced by Clarkson & Woods, dated 25 October 2021); and a written response produced by Clarkson & Woods to the council's ecology department's objection dated 4 November 2021.

9.4.5 The submitted Ecological Impact Assessment report and associated surveys identified that badgers are known to be present across the site, there are at least 11 bat species present, with otters using ditches within the site and are likely to commute between the River Avon to the north and the Kennet and Avon Canal to the south, plus there are range of amphibian species though they are likely to be in low numbers, grass snakes are present and a range of breeding and wintering birds were also recorded. Therefore, it is considered that the application site does support a range of wildlife.

9.4.6 The application site forms a series of agricultural fields and is located in proximity to existing open countryside bounded by established hedgerows. The application has been supported by a series of surveys including bat surveys which have been used to inform the overall design and layout of the proposed solar farm. the council's ecology department have confirmed that Lesser and Greater horseshoe and *Myotis* species, of which a proportion are assumed to be Bechstein's bats, have been recorded using the site, predominantly along the boundary hedgerows and ditch lines.

9.4.7 The site layout of the proposed solar farm includes significant buffers between the main solar farm enclosure and the existing site boundaries, thereby retaining and protecting the existing habitat features which the council's ecologist has commented would *“ensure key functionality is retained in accordance with the principles of the TBMS. This includes significant buffer areas created and enhanced, including along the western boundary which abuts an existing solar farm, the internal hedgerow boundary recorded and mapped as core bat habitat and the northern and southern parts of the site which border River Avon and the Kennet and Avon Canal respectively”*.

9.4.8 The application has been supported by a Landscape and Ecology Management Plan (LEMP) and a Biodiversity Management Plan (BMP) which covers the 40-year operational period of the solar farm, after which point the solar farm would be decommissioned which would be secured by a planning condition.

9.4.9 The BMP includes method statements relating to the installation of various habitat features including nesting, roosting and shelters sites for a range of species and their maintenance, with continual ecological monitoring of the site over the 40-year operational period of the solar farm. The BMP also includes bat monitoring, however the councils' ecologists has commented to say that "*further details are required to refine the monitoring techniques to allow for a comparison between areas with and without solar panels*" and has suggested a planning condition on this basis.

9.4.10 With regards to the protection and enhancement of the site for birds, the council's ecologist has stated that there is a large area of marshy grassland located in the floodplain between the application site to the River Avon to the north, and has commented to say that this "*area will be retained and seeded with grassland buffers and an additional hedgerow planted alongside the existing one. The area will be fenced off prior to construction under details of a Construction Environmental Management Plan (CEMP) to be secured by condition*". It is considered reasonable to impose a planning condition requesting the submission of a CEMP given the nature of the proposed development and the location of the site.

9.4.11 Turning to mammals using the site, it is considered that the proposed enhancement measures would likely increase the habitat suitability for all mammal species and therefore the proposed additional hedgerow and tree planting, in addition to the seeding of the buffer zones is welcomed, as it would contribute towards providing habitat for local wildlife.

9.4.12 With regards to the proposed temporary compound site, the council's ecologist has commented that the loss of this habitat for "*wintering birds during the construction phase will be a short-term temporary impact as once construction is completed the compound area will be decommissioned and restored back to arable for agricultural use*". A planning condition would be imposed relating to the temporary compound site, to ensure that once the construction of the solar farm has been completed, this area to the south of the canal is restored to its former agricultural use and all materials, plant vehicles and other associated structures are removed from the site.

9.4.13 The biodiversity calculations that have been submitted as part of this application demonstrates that the proposal would have a positive impact in delivering net gains for biodiversity, with the proposed development returning a figure of 30.95% habitat units gain and a 9.50% hedgerow units gain, due to the proposed additional tree planting and hedgerow planting proposals, as detailed within the submitted planting plan. The consultant ecologist has stated that the extensive buffers that would be implemented around the perimeter of the site would measure approximately 5.7ha in size and what be seeded with a meadow mix which would help to support a range of invertebrates and therefore praise species for bats. The proposal, therefore, has demonstrated an overall net gain for biodiversity, with the proposals providing significant enhancements, which the council's ecologist has stated would "*ensure key functionality is retained in accordance with the principles of the TBMS*".

9.4.14 In addition to the above, the application is not seeking the introduction of any external lighting with any lighting needed during the construction phase or as part of the operational phase of the solar farm to be controlled by a planning condition, and for details of such lighting to be submitted to and agreed in writing by the local planning authority prior to its installation to ensure that any essential lighting would not have an adverse impact on the visual amenity of the area or on any wildlife (especially nocturnal species which may be more sensitive artificial external lighting).

9.4.15 Officers have therefore concluded that the proposals would have no adverse effects on the integrity of the Bath and Bradford-on-Avon SAC, provided that the mitigation enhancement measures detailed within the submitted application details are provided and secured by way of planning conditions and therefore the proposals are considered to comply with criterion iv of CP42 and CP50 of the adopted WCS, the adopted TBMS SPD and the requirements of the Framework.

9.5 Highways:

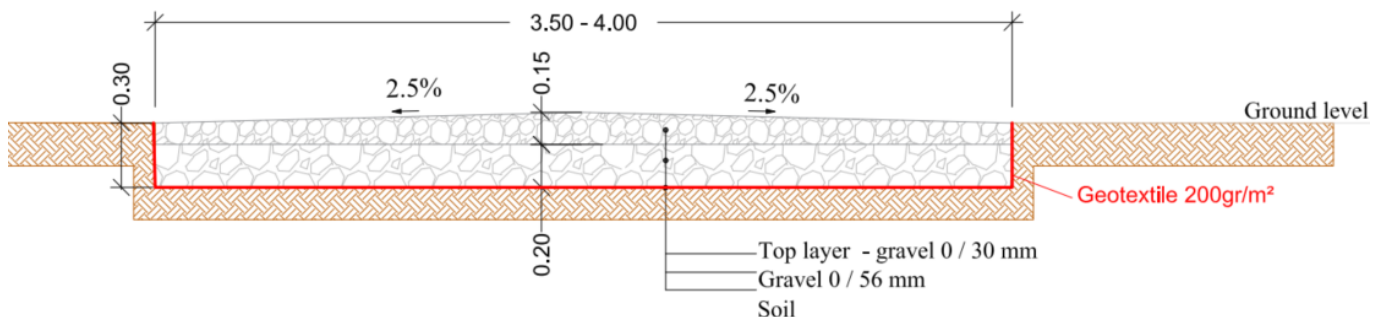
9.5.2 Criterion xiv of CP57 requires proposals to satisfy the requirements of CP61 (Transport and New Development). CP61 requires new developments to be “located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives”. CP61 also requires in criterion ii that proposals would be “capable of being served by safe access to the highway network”.

9.5.3 In addition to the abovementioned policies, paragraph 111 of the Framework states that developments “should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

9.5.4 The main access point to the site would utilise an existing gated field entrance along Whaddon Lane to the east of the application site, to the south of Whaddon Kennels. The proposal seeks to upgrade this existing access point to improve the visibility splays for both construction and operational vehicles. The access point via Whaddon Lane would involve the formation of a new 3.5-4 metre wide crushed stone access track that would extend along the eastern and northern boundary of the adjoining field before crossing the field to the east into the main solar farm enclosure, through a gap in an existing hedgerow which is currently used by agricultural vehicles.

9.5.5 The proposed access track would extend northwards from the existing farm gate track to the main solar farm enclosure on the eastern boundary again utilising an existing gap in the field boundary, where a new entrance gate is proposed. Inside the main solar panel enclosure, two access tracks are proposed within the fenced compound to provide access to the solar panels and associated infrastructure.

9.5.6 The internal access tracks would involve a geotextile material with gravel finished above, as illustrated by the below extract taken from the submitted cross section drawing of the internal access track (drawing no. INR001-PL-06, Rev 01). The internal access tracks would measure between 3.5-4m in width.



9.5.7 To the south of the Kennet and Avon canal, a separate temporary construction compound (to be used for both the construction phase and the decommissioning phase of the solar farm development) is to be set up. This temporary compound is to be used to ensure that no damage is caused to the existing canal bridge along Whaddon Lane and would be the main site for the storage of plant and materials during the construction phase of the development and would be removed once the solar farm has been completed. The temporary compound would be set up and used again for the decommissioning of the solar farm.

9.5.8 As detailed within the submitted Planning Statement, it is understood from advice sought from the Canal and River Trusts (who maintain the canal bridge) that this bridge has a weight limit of 18 tonnes.

This is the main reason why the temporary compound is to be located to the south of the main development site and to the south of the canal bridge, so that deliveries of plant and materials (which are likely to arrive to the site on larger HGVs) can be delivered to the temporary construction compound, before being off loaded and distributed in smaller loads using tractors and trailers and other smaller vehicles. Vehicles under 18 tonnes in weight would be used to travel between the construction compound to the main development site in order to respect the weight limit on the canal bridge.

9.5.9 With reference to the submitted Planning Statement, it is likely that the solar farm development (based on other solar farm developments elsewhere in the UK) which take approximately 26 weeks to complete, with no construction activities or deliveries to occur on Sundays or during public holidays. It is noted from the submitted representations that local residents have recommended a condition be imposed to ensure that the solar farm is constructed within 12 months. However, this is considered unreasonable given that many factors could result in the delay in the solar farm being constructed within a restricted time period, such as the availability of plant vehicles and necessary materials which fall outside the planning systems' control.

9.5.10 The submitted Construction Traffic Management Plan (CTMP) produced by Transport Planning Associates dated February 2021, states that during the proposed 26 week construction phase there would be approximately 28 deliveries to the site or construction compound per week, equating to approximately 6 deliveries a day (12 two-way movements), with there being approximately 32 trips a week, equating to approximately seven trips per day between the temporary construction compound to the main development site.

9.5.11 Whilst it is appreciated that the proposal would generate some additional traffic during the construction phase, with the proposed construction compound having some visual impact from the wider character and appearance of the area, it is considered Based on the approximate amount of daily delivery movement, with approximately 7 trips a day travelling over the bridge, and any impacts associated with the construction and phase and decommissioning stage, the impact of the proposed development on the highway network would be limited and would have a short term impact only.

9.5.12 As such the council's highways department, who were consulted as part of the determination of this planning application, have not raised any objections to the proposal subject to conditions being imposed. One requested condition seeks to secure a pre-condition survey of the highway from the site up to Hilperton village hall which is to be agreed in writing by the local highway authority prior to the commencement of the development and any construction operations. Another condition has been requested which seeks to secure route signage which again is to be agreed in writing by the local planning authority prior to the commencement of the development. The applicant has stated that they would be willing to have such conditions imposed on any planning permission granted.

9.5.13 It is also important to stress that paragraph 111 of the Framework is clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe and in this case, the development proposal would satisfy both national and local planning policy including criterion vi of CP42 of the WCS.

9.6 Flood Risk and Drainage:

9.6.2 Policy 67 'Flood Risk' of the adopted WCS outlines that all new development must include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable drainage systems) unless site or environmental conditions make these measures unsuitable.

9.6.3 The Framework is clear that inappropriate development in areas at risk of flooding should be avoided and recommends that development should be directed away from areas at risk of flooding in paragraph 159.

9.6.4 Paragraph 167 of the Framework states that when determining planning applications “*local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment*” and requires major developments to incorporate sustainable drainage systems less clear evidence is provided to demonstrate that this would be inappropriate in paragraph 169.

9.6.5 The application has been supported by a Flood Risk Assessment (FRA) and Drainage Strategy produced by Clive Onions Consulting Civil Engineer, dated February 2021 and an Addendum to Flood Risk Assessment and Drainage Strategy, dated September 2021.

9.6.6 The proposed photovoltaic arrays and associated infrastructure (including the fencing) are to be located outside Flood Zone 2 and 3 (located to the north of the site). As such, it is considered that all the proposed structures associated with this application would be located on land designated as Flood Zone 1 and outside the identified areas at risk of flooding. The submitted FRA acknowledges that part of the access track would be located in Flood Zone 3 to the east of the site, however given that this proposal is not seeking permission for a vulnerable use as defined in Annex 3 of the Framework and in Paragraph: 066³ Reference ID: 7-066-20140306 of the PPG and with the site being unmanned, it is not considered that this would pose a significant flood risk. Furthermore, the access tracks are to be constructed using a gravel finish that would be permeable and therefore it is not considered that the proposed development would increase the risk of surface water flooding off-site.

9.6.7 The addendum to the submitted FRA confirms that the infiltration analysis demonstrates that in a 1 in 30 year rainfall event with climate change allowance, the site would infiltrate into the soil and therefore the infiltration testing that has been carried out on-site illustrates that the development would be safe over its lifetime.

9.6.8 In addition to the above, the majority of the site is considered to be at very low risk of surface water flooding with there being a ditch in the centre of the site at low risk, with the eastern boundary being at higher risk of surface water flooding. Again, the solar panels would not be cited in areas at risk of surface water flooding. The submitted FRA confirms that the only impermeable areas of the proposals would be the pads that would be used to support the inverters and substation. In section 8.4 of the FRA it states that ridge and farrow swales Would be used to manage runoff from the solar farm, Which would provide attenuation and encourage infiltration and evaporation whilst also providing an opportunity to enhance biodiversity.

9.6.9 In terms of the proposed temporary construction compound to the South of the main development site, this would be formed on permeable gravel and would any be used for a temporary period only.

9.6.10 Officers consider the proposed solar farm to have a minimal impact on the overall permeability of the site and as a result, the council’s drainage department consider the proposed development to result in a minimal impact on local flood risk. Within the council's drainage department's original consultation response to this application, several planning conditions were requested, however following the submission of the addendum to the FRA in September 2021, in which additional information was submitted in response to the previously requested conditions, the council’s drainage department confirmed that they fully support the application and no longer require any conditions to be imposed on any planning permission granted.

9.6.11 Based on officers’ assessment of the proposals, it is considered that the proposed solar farm would be safe over its lifetime and would not increase flood risk elsewhere. As such, the proposal complies with local and national planning policy.

9.7 Impact on Neighbouring Amenity:

³ Table 2 - Flood risk vulnerability classification: [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444444/Flood_risk_and_coastal_change_-_GOV.UK.pdf)

9.7.2 Policy CP57 criteria vii requires new developments to have *"regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensuring that appropriate levels of amenity are achievable within the development itself, including the consideration of privacy, overshadowing, vibration, and pollution (e.g. light intrusion, noise, smoke, fumes, effluent, waste or litter)"*.

9.7.3 Criterion f) of paragraph 130 of the Framework meanwhile requires the creation of *"places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users"*.

9.7.4 It is considered due to the nature of the proposed development and the scale of the panels, in addition to the separation distances between the proposed development and nearby residential properties (the closest residential dwellings would be located to the north c.293m away and to the east, c.280m from the main development site), the proposed development would not have an adverse impact on neighbouring amenity.

9.7.5 The site is not to be illuminated by external lighting and any lighting that may be needed in the future would require the local planning authority's prior agreement. Furthermore, the application does not seek any alterations or diversions of the nearby public rights of way and as discussed in the above sections, it is considered that any views of the proposed development from the wider setting would largely be obscured by the proposed enhanced landscaping of the site boundaries.

9.7.6 Whilst there would be some additional traffic during the construction and decommissioning stages of the proposed development, based on the indicative traffic generation figures discussed above, it is not considered that the proposed development would result in significant traffic over the 40-year lifespan of the solar farm.

9.7.7 In light of the above, it is considered that the proposal complies with CP57 of the adopted WCS and paragraph 130 of the Framework.

10. Consultation - The Planning Balance:

Based on the above assessment of the submitted application details and following consultation with relevant consultees and third-parties, the principle of the solar farm is supported and would be in accordance with both national local planning policy, which are generally supportive of renewable energy schemes.

This proposal seeks ecological enhancements and net gains for biodiversity, which would be secured through planning conditions, including planning buffer zones, hedgerow planting and additional tree planting across the site.

Whilst it is recognised that the proposed development would have some impact on the landscape character of the area, it is considered that this would be appropriately mitigated through the landscaping and planting proposals, which would largely obscure views of the solar farm by year 15 once the planting has had the opportunity to mature and establish.

It is also important to mention that this application is seeking permission for a 40-year period, after which point the solar farm would be decommissioned and the land restored to its former use and condition. Planning conditions relating to this matter would be imposed on any planning permission granted, to secure this.

On balance, it is therefore considered that planning permission should be granted subject to the conditions set out below.

RECOMMENDATION:

That planning permission is approved subject to the following conditions -

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

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

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

Drawings No: INR001-SP-01, Rev 05, Whaddon Farm Site Location Plan, as received on 22 March 2021; INR001-PL-01, Rev 10, Whaddon Farm Site Layout, as received on 28 September 2021; INR001-PL-02, Rev 03, Whaddon Farm Panel Elevations, as received on 22 March 2021; INR001-PL-04, Rev 02, Whaddon Farm DNO Substation Elevations, as received on 22 March 2021; INR001-PL-05, Rev 01, Whaddon Farm Customer Substation Elevations and Floor Plan, as received on 11 May 2021; INR001-PL-06, Rev 01, Whaddon Farm Cross Section of Internal Access Track, as received on 22 March 2021; INR001-PL-07, Rev 01, Whaddon Farm Fence and Gate Elevations, as received on 22 March 2021; INR001-PL-08, Rev 01, Whaddon Farm CCTV Pole Elevation, as received on 22 March 2021; INR001-PL-09, Rev 02, Whaddon Farm Inverter Elevations and Floor Plan, as received on 11 May 2021; INR001-PL-11, Rev 01, Whaddon Farm External Switchgear Elevations and Floor Plan, as received on 11 May 2021; INR001-PL-12, Rev 01, Whaddon Farm Battery Elevations and Floor Plan, as received on 11 May 2021; INR001-PL-13, Rev 01, Whaddon Farm Battery Inverter Elevations and Floor Plan, as received on 11 May 2021; P19-1958.100, Rev A, Indicative Landscape Sections, as received on 24 September 2021; CR0613, Figure 1, Archaeological Survey Update Plan, as received on 24 September 2021; P19-1958_11, Rev B, Detailed Planting Plan, as received on 24 September 2021

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

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

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

4. The temporary construction compound hereby approved shall be used solely during the construction phase of the solar farm, and within three months following the completion of the solar farm, the compound shall be fully removed with all materials, plant and debris to be cleared from the site. If a temporary compound is required as part of the decommissioning phase of the solar farm, details of this shall be submitted to and agreed in writing by the local planning authority no less than six months before the decommissioning of the site commences.

REASON: In the interests of visual amenity and to ensure the land is fully restored to its former use and condition.

5. No development shall commence on site until full details (including the RAL colour) of the finish and colour of all structures, equipment, fencing and CCTV poles, and support frames for the solar panels hereby approved have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interest of amenity and the appearance of the site.

6. No development shall commence on site until an Archaeological Management Plan, setting out how the two areas identified as being areas of archaeological interest on drawing reference INR001-PL-01, Rev 10 (Whaddon Farm Site Layout) shall be protected from harm during both the construction and operational phases of the solar farm, have been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable the preservation of sites of archaeological interest.

NOTE: The Archaeological Management Plan is to be prepared by qualified archaeologists and the costs of the work are to be borne by the applicant.

7. No development hereby permitted shall commence until a road condition survey of the roads leading from Hilperton Village Hall to the main site access along Whaddon Lane has been submitted to and approved in writing by the local planning authority. The condition survey shall detail a programme of measures to be employed to ensure the highway remains free from damage and measures of how any damage would be remediated. Should any damage be caused to the public highway as a result of the construction, operational or decommissioning phases of the development, all damage shall be remediated in accordance with the approved details within three months.

REASON: In the interests of highway safety and to ensure that the condition of the highway is maintained.

8. No development hereby permitted shall commence until exact routing details have been submitted for all vehicles to and from the main development site and temporary construction compound and details of all route signage (including advanced warning signs at both site accesses) have been submitted to and approved in writing by the local planning authority. All agreed signage must be installed prior to the commencement of any construction operations and deliveries to either site.

REASON: To ensure that clear routing is provided for construction vehicles and adequate warning of the accesses are provided in the interests of highway safety.

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

The CEMP shall explain how the construction works will be managed to avoid impacts and how compliance will be achieved on site. A marked-up plan must be included showing all protection measures and highlighting sensitive zones.

The CEMP must identify a suitably qualified Ecological Clerk of Works (ECoW) who will oversee the construction works in relation to ecology with particular emphasis on:

- Update of surveys as required prior to start of works where relevant, e.g. otter, reptiles, breeding birds
- Erection of the perimeter fence
- Location of the site compound to avoid all sensitive retained habitat areas
- Root Protection Zones for trees

- Protection zones around trees and hedgerows and a plan showing that all trees and hedgerows will be fenced off and protected before construction starts
- Regular, documented inspections of all buffer zones to check protective fencing and that these areas are kept clear of all construction vehicles, machinery and materials

The CEMP shall make provision for the protection of all wildlife identified as present or likely to be present within a zone of influence and will implement the precautionary principle at all times.

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

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction, and that works are undertaken in line with current best practice and industry standards and are supervised by a suitably licensed and competent professional ecological consultant where applicable.

10. No development hereby permitted shall commence until details of the bat monitoring scheme has been submitted to and approved in writing by the local planning authority. The submitted details must include the objectives and methods of reporting and the monitoring shall include:

1. An appropriate off-site control; and
2. A comparison between panelled and non-panelled solar farm areas.

Locations of statics within the site shall include the locations identified as core bat habitat in the baseline surveys. Results of the bat monitoring (once in spring and another autumn) shall be submitted to the local planning authority within 6 months of the surveys being completed in years 1, 3, 5, and 10.

REASON: The information submitted within the Biodiversity Management Plan for bat monitoring did not provide sufficient detail and this information is necessary in the interests of protecting bat species

11. Within three months of the end of the construction phase of the development hereby permitted, a compliance report shall be submitted to the local planning authority. The report shall detail all works overseen by the ecologist/EcoW and all compliance checks undertaken as detailed in the CEMP by the aforementioned competent person prior to, during and post-completion of construction works. Associated dates of visits to the development site shall be stipulated in the compliance report and photographic evidence shall be provided.

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

12. No lighting shall be installed during the construction phase of the development hereby permitted unless a detailed lighting plan including exact details of any proposed lighting and their locations have been submitted to and approved in writing by the local planning authority.

REASON: To ensure wildlife corridors are not illuminated.

13. No later than 12 months before the planned decommissioning of the solar farm, a scheme for decommissioning and the restoration of the site must be submitted to and approved in writing by the local planning authority. The scheme shall be based on updated ecological surveys and must make provision for the removal of the solar arrays and the associated above-ground structures, equipment, fencing and foundations, to a depth of at least one metre below ground level.

The scheme must include the management and timing of any works; a traffic management plan; and an environmental management plan including measures for the protection of wildlife.

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

14. The development hereby approved shall be carried out in strict accordance with the Biodiversity Management Plan (produced by Clarkson & Woods, dated October 2021) and all of the mitigation and enhancement measures detailed in Appendix B: Figures; Figure 1: Locations of Ecological Mitigation and Enhancement Features; and Figure 2: Hibernaculum Specification.

REASON: To ensure compliance with planning policy and secure the protection and mitigation for the habitats and species recorded.

15. The development hereby approved shall be carried out in strict accordance with the management and maintenance details set out in the Landscape and Ecology Management Plan (produced by Pegasus Design, dated February 2022).

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

16. The development hereby approved shall be carried out in accordance with the surface water drainage scheme detailed from Section 8 of the Flood Risk Assessment and Drainage Strategy produced by Clive Onions Consulting Civil Engineer (reference P19-1958, V1, dated February 2021).

REASON: To ensure that the development can be adequately drained.

17. The development hereby approved shall be carried out in strict accordance with the Construction Traffic Management Plan (reference P19-1958, produced by Traffic Planning Associates, dated February 2021).

REASON: In the interests of highway safety.

18. All soft landscaping detailed on drawing no. P19-1958_11, Rev B (entitled Detailed Planting Plan), shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the local planning authority.

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

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

19. No external lighting shall be installed on-site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication GN01:21, 'Guidance Note 1 for the reduction of obtrusive light 2021' (ILP, 2021), and Guidance Note GN08-18 'Bats and artificial lighting in the UK', produced by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area in order to minimise unnecessary light spillage above and outside the development site and to ensure lighting does not adversely impact wildlife.

INFORMATIVES:

1. During the construction, operational and decommissioning phases of the development, all adjacent public rights of way shall remain open and accessible at all times for members of the public.
2. As detailed within the written representation provided by the Canal and River Trust dated 3 August 2021, the applicant is advised to contact Carl Ashman, Works Engineer by email at Carl.Ashman@canalrivertrust.org.uk to ensure that the proposed works comply with the Canal and River Trust's code of practice.