

Date of Meeting	16 th December 2009		
Application Number	S/2009/1445		
Site Address	Plots C4 and C5, Solstice Park, Porton Road, Amesbury, Salisbury, SP4 7LJ		
Proposal	Proposed data centre buildings (3) together with associated plant and machinery, electricity substation, landscaping, planting, fencing, engineering, car parking, pedestrian and cycle paths and vehicular circulation area. Proposed access onto Sun Rise Way.		
Applicant	The Amesbury Property Group		
Town/Parish Council	Amesbury		
Electoral Division	Amesbury East	Unitary Member:	Cllr J Noeken
Grid Ref	Eastings: 416978 Northings: 141679		
Type of application	Full - Major Development		
Case Officer	Oliver Marigold	Senior Planning Officer	

1. Reason for the application being considered by Committee

1.1 The Director EDPH does not consider it prudent to exercise delegated powers. This is because the application as submitted is a material departure from the adopted Local Plan policy E8A. The impact of the proposal would result in the bringing forward of a significantly larger area of land for development than is provided for before the expiration of the life of the Local Plan.

1.2 Notwithstanding this, however, having regard to the Consultation Direction 2009, the application will not need to be referred to the Secretary of State for Communities and Local Government. Therefore the final decision rests with the Strategic Committee.

2. Purpose of Report

2.1 To consider the above application and to recommend that conditional planning permission be GRANTED subject to conditions following completion of a legal agreement in respect of a Travel Plan contribution.

3. Main Issues

3.1 The main issues to consider are:

1. The Principle of Development including phasing and employment generation
2. The Impact on Nearby Residential Properties
3. The Impact on Highway Safety and Traffic
4. The Impact on the Character and Appearance of the Area
5. Other Factors including the impact on the River Avon SAC, the Salisbury Plan SAC and SPA

4. Site Description

4.1 The site consists of land at Solstice Park to the north east of Amesbury. Solstice Park in general is an allocated employment site under policy E8A of the Adopted Local Plan with outline consent being granted in 2001 for B1, B2, B1, C1 and D2 uses. The specific site of the proposed development is at the south western edge of Solstice Park, covering around 3.52 hectares (around 8.7 acres). In the Solstice Park Master Plan this comprises plots C4 and C6.

4.2 To the south of the site is the Beverley Hills Residential Mobile Home park and beyond that further residential. To the west of the site is currently undeveloped land for which consent has recently been granted for a Regional Distribution centre (a B8 use).

4.3 To the west of the site are office buildings (some of which have been constructed) and a proposed day nursery (consented but not implemented). To the north of the site is what was proposed to be an ADSA store. This was recently refused consent by the Secretary of State for Communities and Local Government.

4.4 The site is on the upper part of a north-facing slope and the proposed buildings would be viewed from the A303 (which is lower). However the views of the buildings are likely to be obscured to some extent by existing and proposed development to the north of the site over time.

5. Relevant Planning History

5.1 The following list of relevant planning history is provided underneath. Members will appreciate that there is a considerable number of planning applications on the Solstice Park site (for instance advertisement applications) which are not relevant to the consideration of this application, and therefore only applications relevant to this application are included.

Application number	Proposal	Decision
S/1999/0721	Proposed Comprehensive development of site for employment and leisure purposes (including within use classes B1, B2, B8, C1, C2 and D2) together with roads, footpaths, cycleways, landscaping, sewers, alteration of ground levels and associated works generally in accordance with the principles illustrated on approved development master plan L269 – 14/1E	Approved with Conditions on 26 th January 2000.
S/2002/0485	Section 73 application to vary condition no 3, 4, 14 and 20 on consent no S/1999/0721 to provide (1) specified dated for the approval of reserved matters (2) to permit commencement of any approved earthworks and landscaping scheme before works have commenced on the Folly Bottom junction (3) to permit earth works and landscaping on land in excess of 22.75 hectares	Approved with conditions on 30 th July 2002
S/2007/2226	Development of a 6131sq m store (class A1) together with ancillary servicing and parking with highways improvements and alterations to the roundabout at Porton Road and Sunrise Way to increase capacity.	Refused (by the Secretary of State) on 22 nd September 2009.
S/2007/2518	Proposed construction of a regional	Refused on 9 th December 2008.

	distribution centre and associated infrastructure works including roads, parking areas, drainage and landscape planting	
S/2008/1661	New build development of 92 place single storey children's nursery with parking	Approved with Conditions 31 st March 2009.
S/2009/0794	Proposed construction of a regional distribution centre and associated infrastructure works including roads, parking areas, drainage and landscape planting	Currently undetermined, although a resolution to be approve has been made (subject to a legal agreement being entered into), with the Secretary of State advising that he will not be calling in the application.

4. Proposal

4.1 The application proposes the erection of a 'data centre' and associated development. Data centres are essentially climate-controlled spaces for the operation of computer servers, for a wide range of day-to-day social and economic functions.

4.2 The computer halls are supported by complex mechanical and electrical infrastructure ensuring that the temperature is constantly controlled and that the electricity supply is 'clean' at all times notwithstanding the supply to the building.

4.3 The occupiers of data centres are in almost every case major international corporations of considerable standing, including international and retail banks, financial services (eg credit card companies, insurance companies) or global systems integrators (eg IBM, HP) who provide services to companies and to Government. The occupier in this case is, however, is not known.

5. Planning Policy

5.1 The following policies are considered relevant to this proposal:

Adopted Salisbury District Local Plan (saved policies)

E8A – Land to the east of Porton Road
G1, G2 – General Development Criteria
C10 – Nature Conservation
TR14 – Cycle Spaces
D1 – Extensive Development

National Guidance

PPG4 – Industrial, Commercial Development and Small Firms
PPS24 – Planning and Noise
PPS9 – Protected Species

Other Guidance

Draft Regional Spatial Strategy for the South West
Emerging Planning Policy Statement 4 (Planning for Sustainable Economic Development)

6. Consultations

6.1 Town Council

6.1.1 Support

6.2 Highways

6.2.1 The submitted Transport Act has been considered. Confirm that they are satisfied that it fully explores and analyses the impact of the proposal.

6.2.2 The data centre will not generate as much traffic at peaks and throughout the day as a mix of B1, B2 and B8 uses, which had previously been tested for the Regional Distribution Centre submission. The whole site Travel Plan will ensure that monitoring and sustainable initiatives will apply to this site. The assessment confirms the following (with comments included):-

6.2.3 147 parking spaces are being provided and this complies reasonably with the parking guidelines. It is noted that 3000m² of administrative space is proposed and 100 spaces will be allocated for staff working within these areas, with the remainder of parking taken up at a lower B8 ratio. They are satisfied that sufficient parking is provided for this specialist use.

6.2.4 HGV use is not proposed to be significant with technical equipment and office supplies being the main service types. Therefore, although service provision is poor for manoeuvring space, they are prepared to accept the proposed arrangement for servicing.

6.2.5 Cycle parking - 34 spaces proposed with shower facilities also provided, nearly meets WC guidelines and is acceptable. However, no details of where the cycles will be parked and the type of shelter/cover are indicated [these have subsequently been provided to Highways' satisfaction]. The cycle lane is incorrectly identified on the submitted drawing but correctly identified in para 4.6 of TA - it is located on the north side of Sun Rise Way. For clarity, drawing should show the route correctly.

6.2.6 Paragraph 4.6; footpath link to Porton Road is welcomed, but the drawing does not make clear that whole route is/will be available. It is understood that there is a landscaping scheme which may very well include a footpath network and clarification is sought to ensure the link will be available from occupation.

6.2.7 Once these matters are confirmed, then no highway objection to the development is recommended. The access road already has consent via a separate application, but it is recommended that a condition is imposed, securing that the access road is completed before first occupation of the development. The parking and manoeuvring areas shall also be constructed in accordance with further details to be approved, and completed in accordance with the approved details before first occupation.

6.3 Environment Agency

6.3.1 We have no objection to the development as proposed subject to conditions relating to flood risk and drainage, pollution control and water efficiency being attached to any permission granted.

6.4 Ministry of Defence

6.4.1 No objection

6.5 Environmental Health

6.5.1 Recommend a condition that all the proposed noise mitigation methods, as described in the planning application, are implemented prior to the commencement of the buildings, to minimise the noise disturbances to the local residents.

6.6 Archaeology

6.6.1 The above site was the subject of an archaeological evaluation as part of an outline planning application (S/1992/721) for the whole Business Park. Where significant archaeological features were identified these were the subject of excavation. Additional areas were also the subject of a

watching brief during the landscaping proposals set out in application S/2002/1714. It is likely that the landscaping will have removed or buried any remaining archaeological features.

6.6.2 I consider that the archaeological investigation of the site has been completed and I therefore have no comments to make on the above proposal.

6.7 Highways Agency

6.7.1 This site has outline planning permission for a B1, B2, B8 use but requires a full planning application due to the fact that the current development is not in accordance with the approved phasing of development at Solstice Park.

6.7.2 Trip Generation - The Agency accepts that the proposed development for the site will cause less of an increase in traffic flows than most B1, B2, B8 developments due to the nature of the storage on the site. As the data will be transferred to and from the site electronically the B8 portion of the development will only require trips for maintenance and security rather than the HGV movements associated with deliveries at normal B8 developments.

6.7.3 Background Traffic Growth - The Agency accepts that the 2007 data should be used for background flows as traffic on this part of the network has reduced between the last quarter of 2007 and the last quarter of 2008. Therefore there is no need to apply a growth rate to increase the background traffic to 2009 levels

6.7.4 Traffic Impact - The Agency accepts that as the number of trips generated by the proposed data centre will result in fewer extra trips than that which already has outline planning permission it will cause less of an impact on the highway network specifically the Countess Roundabout on the A303.

6.7.5 This junction has already been modelled for the application for a Regional Distribution Centre at Solstice Park in June 2009 with traffic flows based on the Paramics model including the original B1 B2 B8 trip generation as a committed development. As this new proposal will reduce trip rates from those already agreed and tested by inspection the proposed data centre should not have a material impact on the Countess Roundabout

6.7.6 Summary and Conclusions - As the proposed data centre will generate fewer two way trips than the B1 B2 B8 development for which the site already has outline planning permission and for which the A303 Countess Roundabout has already been modelled showing little impact the Agency has no objections to the proposed development.

6.8 Natural England

6.8.1 This application is related to the outline planning consent 2001 for which an Appropriate Assessment (AA) was completed to assess the potential impacts on the SAC. Natural England's advice after consultation on the AA was that provided the conditions outlined to reduce the potential for pollution, to ensure sustainable drainage was incorporated and maintained, and that water saving measures were incorporated into development designs then this should address any potential cause of adverse effects on the integrity of the site.

6.8.2 Some concern is expressed in relation to the fact that a formal landscape assessment has not been undertaken, and it is questioned whether in design terms 'more of the same' is a sufficient justification. Whether protected species are a material consideration is a matter for the Authority to consider.

6.9 Forward Planning

6.9.1 No Strategic Objections.

7. Publicity

7.1 The application was advertised by site notice, press notice and neighbour notification letters to those dwellings that adjoin the site. The publicity period expires on 3rd December 2009.

7.2 To date, only 1 letter has been received, questioning the fact that not all homes at the Beverley Hills Park were notified. The letter also refers to other development proposals nearby. In fact numbers 90 to 113 were notified because these are the properties that adjoin the application site, as is standard practice.

8. Planning Considerations

8.1 The Principle of Development including phasing and employment

8.1.1 Outline planning permission for the Solstice Park site was granted in 2002 (reference S/2002/0485), following an initial application in 1999 (S/1999/0721) for a range of employment and leisure purposes including use classes B1, B2 and B8. This accords with the current saved Adopted Development Plan policy E8A which allocates that land for employment purposes.

8.1.2 The proposed use as a Data Centre is considered to be a B8 use. A recent appeal decision in Buckinghamshire confirmed that such centres fall within Use Class B8 and the proposal would therefore comply with policy E8A, and the consent already granted in outline

8.1.3 In relation to the level of employment, it is recognised that the level of job creation resulting from the proposal is difficult to predict. The application proposal includes 3,800 square metres of offices but this is only 18% of the overall Data Blocks scheme.

8.1.4 The applicants have quoted guidance from English Partnerships (the UK Government's national regeneration agency), now part of the Homes and Communities Agency. This suggests that a job-to-floorspace ratio of around 1 job to 19 square metres can be applied to new technology businesses, although this is clearly only indicative and depends on the specific use. Never-the-less, using this ratio 158 jobs would be produced by the proposed development.

8.1.5 The level of job-creation may well be less than those created by a B1 or B2 use, but the fact remains that B8 uses are considered 'employment' uses, and both the outline consent and the recent granting of consent for the Regional Distribution Centre confirms that non-B1 or B2 employment uses are acceptable.

8.1.6 Policy E8A does say, in its explanatory text, that within the lifetime of the Local Plan (until 2011) development will be limited to a first phase of 18 hectares of employment land (out of the total site area of 65ha). The proposed data centre lies on a part of the Solstice Park site that was not due to come forward until 2011. The reason for the phasing was to ensure that development would be integrated, so it would not take place in a piecemeal way.

8.1.7 In fact the development of Solstice Park has not yet exceeded 18 hectares, in terms of implemented schemes. It is understood that only 1.17ha of land have employment buildings actually erected on them and that, of that 1.17ha, not all are occupied. A further 9.7ha has detailed planning permission, with the remaining 30ha only having the outline consent.

8.1.8 In fact only two B1 businesses have been established on the park although the applicants have sought to 'risk fund' infrastructure in excess of that required by policy E8A (so as to maximise the Park's commercial potential and attractiveness). The applicants have also sought to secure speculative consents for similar reasons, with a detailed planning consent being an important ingredient in the promotion and deliverability of such a facility.

8.1.9 The fact remains, however, that the proposal remains on land that forms part of the 'future' phase of development of the Solstice Park site and is therefore considered to be a departure from that policy (hence the referral to Strategic Committee).

8.1.10 Never-the-less, there are a number of reasons why it is considered that the erection of a data centre on this part of the site should be granted permission.

8.1.11 Firstly, the Local Plan phasing allocation expires on 31st December 2010, little more than a year away. In reality, even if granted now it is unlikely that the development would be completed and occupied before December 2010. Therefore although releasing the site for development now would not strictly accord with the wording of the policy, there is little practical reason for delaying development.

8.1.12 Furthermore, it was clearly envisaged that the employment use of Solstice Park would continue to cover the whole of the allocated site in the future. Policy E8A does in fact 'wash over' the whole of the Solstice Park site even though the policy itself restricts the first tranche of development to 18ha.

8.1.13 In addition, the South Wiltshire Core Strategy is now a material consideration of some weight. The Core Strategy will, when fully approved, effectively replace the current Local Plan saved policies. The Strategy has completed its stages prior to submission to the Secretary of State (including public consultation), and has been approved at Wiltshire Council cabinet level.

8.1.14 While the Strategy still has to be considered by the Secretary of State (who will decide whether its basis is 'sound' or 'unsound'), it never-the-less has weight and represents the Council's most up-to-date assessment of employment allocation in south Wiltshire.

8.1.15 In relation to Solstice Park, the Strategy says specifically that:

"At Solstice Park, Amesbury, some 64ha of employment land is available. This no longer conforms with the [Regional Spatial Strategy], which instead directs major employment growth to Salisbury. However this land is consented and has been the subject of significant investor commitment prior to revisions to the RSS being introduced. Therefore, employment development can proceed on this site as per the existing planning permission, but the allocation will not be saved from the last local plan"

8.1.16 The Core Strategy is clear in accepting the continued use of the Solstice Park site for employment use beyond 2010.

8.1.17 A further reason for accepting development in principle, is that the original reason for phasing development (to ensure non-piecemeal development) does not particularly apply to this site. The site immediately to the east has already been developed (into offices with permission also for a children's day nursery). The site immediately to the west has consent for the Regional Distribution Centre.

8.1.18 A final reason for granting consent is the fact that consent has already been granted for a Regional Distribution Centre on land immediately to the east of this site. This was also on land that was part of the 'future' phase, but it was never-the-less considered acceptable for that site to be released. Having accepted that the RDC can be developed, it would be very difficult to justify refusing the Data Centre on grounds of principle.

8.1.19 It is therefore considered that there are sufficient material considerations to justify the development of this site, in principle, despite the fact that it is earlier than envisaged by Local Plan policy E8A.

8.2 The Impact on Nearby Residential Properties

8.2.1 The proposed Data Centre would be located on the southern edge of Solstice Park. Further to the south are permanent residential mobile homes of the Beverley Hills Mobile Home Park and the Hillcrest Park. Consideration has been given to the potential impact on the living conditions of these properties.

8.2.2 In assessing the impact, it first has to be borne in mind that the land has consent for employment uses, although in granting consent in 1999 it was recognised that this was the most sensitive side of the Solstice Park site.

8.2.3 The applicants have submitted a noise assessment undertaken by a firm of consulting engineers. This says that each data centre hall would require four chillers located in adjacent enclosures, with four back-up generators. It is assumed that a loss of power requiring the generators would only occur once per year, but that there would be periodic testing typically once a month.

8.2.4 With the chillers operating (even without the back-up generators) the applicants accept that the predicted noise levels mean that some acoustic treatment would be required. A number of measures are proposed. These include acoustic screens around each enclosure, acoustic baffles on the air intake and attenuated discharge of the chillers, and similar attenuation on the generators (at air intake, discharge and exhaust).

8.2.5 With these methods in place, the applicants' engineers argue that the noise level generated by the proposals would be within acceptable levels in relation to the nearest residential units. Acceptable levels in this context (as accepted by Environmental Health) are being no higher than the existing background noise levels (believed to be 31 dB) but with some relaxation (5dB) for the back-up generators because of their temporary nature.

8.2.6 Having considered the assessment, the Council's Environmental Health officer has not objected, recommending that a condition is imposed securing the noise mitigation methods proposed.

8.2.7 The applicants have also pointed out that, although not considered necessary as part of the data centre proposals, in the event of the Regional Distribution Centre being developed, acoustic fencing would be erected on the southern boundary of the site, providing an additional noise-reducing benefit.

8.2.8 It is also argued that, in comparison with alternative consented B1/B2/B8 proposals, the data centre would result in fewer vehicle movements, lower levels of lighting, no manufacturing processes, no outdoor storage or outdoor activity and all mechanical and electrical equipment being sound controlled and contained within the main data centre blocks.

8.2.9 Within the site, the back-up generators are positioned away from noise-receptive uses. Of the three generators the nearest would be some 75m from the boundary with the Beverley Hills park and the other two would be on the other side the main blocks.

8.2.10 In light of the above measures, and the comments from the Council's Environmental Health officers, it is considered that the proposed development would not harm the amenities of neighbouring properties (essentially those units on the adjacent mobile home park) through noise or disturbance.

8.2.11 Consideration has also been given to the impact on park units from the physical impact of the building, ie loss of light or over-dominance. However, given the distances involved and the fact that development has always been envisaged on this site, it is not considered that the proposals would be harmful in these respects either.

8.2.12 It is therefore considered that there would be no unacceptable noise or disturbance and that policy G2 would not be breached.

8.3 The Impact on Highway Safety, Traffic and Transport

8.3.1 Consideration has also been given to the impact on highway safety, traffic and transport. The applicants have submitted a Transport Assessment which has been considered by the Highways department and Highways Agency.

8.3.2 The comments of the Highways department are set out above, and it is clear that in principle the proposed use would generate less traffic and fewer HGV movements than might be expected with an alternative B1, B2 or B8 use as already approved on the site. Specifically, it is estimated that there would be 76 vehicle trips in the AM peak (compared to 116 for a typical B1/B2/B8 use), and 61 trips in the PM peak (compared to 95).

8.3.3 In relation to the impact on the A303, and the Countess Roundabout, the Highways Agency has also confirmed that the proposal would result in less trip generation than most B1/B2/B8 developments as data will only be transferred electronically, and the B8 aspect would only require trips for maintenance and security rather than the HGV movements for 'normal' B8 uses. They have recommended two conditions relating to the Travel Plan and a Construction Method Plan, which are considered necessary.

8.3.4 The application also makes provision for a short section of new highway, being the continuation of 'Sun Rise Way'. This already has consent via an alternative application but the Highways department has recommended that its provision is secured through a condition.

8.3.5 In terms of sustainability, the Highways department are satisfied that there would be adequate car parking provided and provision can be made for cycle spaces. Although Highways comments refer to the number of spaces 'nearly' meeting Wiltshire Council's standards, there is a difference between the standards applied by the former Wiltshire County Council and the standards in the Adopted Salisbury District Local Plan (which set a reduced standard). For clarification, the number of spaces is within the Local Plan standards and only falls slightly short of the former WCC's standards. This is considered acceptable.

8.3.6 The applicants' Transport Assessment makes reference to the provision of a footway between the site and Porton Road, although the submitted plan does not actually show the detail of the footway, as pointed out by the Highways department. This can be the subject of a condition, to encourage employees to walk to the site.

8.3.7 In addition to on-site transport provision, the outline planning permission was granted subject to a legal agreement, requiring that a financial contribution (in the form of a bond) is made towards a Travel Plan and, specifically, public transport provision.

8.3.8 The proposed development would generate an increase in the financial contribution required, and an amended s106 agreement will need to be entered into by the applicants, something that they are agreeable to.

8.3.9 In addition to the dedicated Solstice Park shuttle bus service (paid for in part by developer contributions), the site is also well served by public transport in the form of Wilts and Dorset/Stagecoach 'Activ8' bus services running generally every half an hour between Salisbury, Amesbury, Solstice Park, Tidworth and Andover. There are footways between the bus stops (by Lidl's – the former NAFFI depot) and the site. The site is therefore relatively sustainable and accessible by means other than the private car.

8.3.10 Overall, it is considered that the proposals would not have an adverse impact on highway safety and would be sufficiently 'sustainable' to met the requirements of Local Plan policy G1.

8.4 The Impact on the Character and Appearance of the Area including design

8.4.1 Consideration has been given to the impact on the character and appearance of the area, including in relation to the Solstice Park Design Strategy (Development Strategy Submission 1, dated May 2002).

8.4.2 The proposed buildings would be relatively large, the largest of which would be 11m in height. In footprint, each of the blocks would measure (at most) around 98m by 50m, though Block 3 being the block closest to the boundary with Beverley Hills Park, would have a staggered arrangement to reflect the site boundary.

8.4.3 In judging the impact of the height of the buildings, a 'benchmark' is drawn showing the height of the dwelling at St Patrick's House on Porton Road (on the opposite side of the Children's Nursery). The land level generally slopes downwards and this, together with a significant reduction in ground levels on the western part of the site, means that the ridge height of blocks would not be greatly higher than the height of the approved children's nursery building (around a metre), and would be lower than 'The Crescent' offices (also to the west).

8.4.4 In relation to Beverley Hills, the ridge height of the nearest block would be around 3m higher than the units in the park, although the eaves of the block would be of comparable height to the mobile homes. Given the separation distance of around 35m, the appearance of the block would not look out of place when viewed in association with the mobile homes.

8.4.5 In design terms, each block would have a modern appearance, with a combination of curved and horizontal roof profiles. The data hall element of each building would be clad using a 'metal panel' system typically found on Solstice Park. Meanwhile the administration element of each block would have a combination of brickwork and glazed curtain walls (as well as steel shutters to the loading bays).

8.4.6 The Design Strategy is supportive of, amongst other things, a modern approach to building design including large-footprint single buildings, curtain wall glazing, profile metal cladding panels and roofing and areas of brickwork.

8.4.7 It is considered that the design of the building is acceptable in its context, as is the relatively long, low profile of each of the blocks, which reinforces a horizontal emphasis reflecting the landscape setting of the site and park as a whole. It is considered that the requirements of Policy D1 (design) are met, and are those of the Solstice Park Design Strategy.

8.5 Other Factors including the impact on the River Avon SAC, the Salisbury Plan SAC and SPA

8.5.1 In accordance with the Habitat Regulations, consideration has to be given to the potential ecological impacts on the River Avon Special Area of Conservation (SAC), the Salisbury Plan SAC and the Salisbury Plain Special Protection Area (SPA).

8.5.2 Specific consideration has been given to the possible implications in relation to water quality during the operation phase of development, whether there is sufficient sewage capacity, whether there would be an impact on swampy vegetation, any loss of floodplain, any changes to surface water hydrology, alterations to groundwater flows, any disturbance to SAC features, any adverse impacts during the construction phase, or any overall in-combination affects.

8.5.3 Natural England were initially concerned that discharges from Sewage Treatment Works (together with other discharges) are resulting in phosphate levels that are threatening the integrity of the River's ecosystem and that these discharges would increase with the proposed development. However, it is now clear that their initial response was based on an assumption that the proposal fell outside of the 2002 approved outline permission. They have now confirmed their view that the proposal would not be likely to have a significant effect on the River Avon SAC or SSSI.

8.5.4 In light of this, under the Habitat Regulations 1994, it is considered that the proposal would not, either alone or in combination with other plans/projects, have a significant effect on the River Avon SAC or SSSI. It is also considered that there would be no significant material impact on protected species.

8.5.5 The proposal would not adversely impact on archaeological interests, as confirmed by the Council's Archaeology Department.

9. Recommendation

9.1 Subject to the completion of a section 106 agreement in respect of the Travel Plan contribution it is recommended that the application is APPROVED for the reason below, subject to the conditions stated underneath.

For the following reason:

The proposed development would be acceptable in principle, despite the phasing arrangements included within saved Local Plan policy E8A. This is because of the relatively short period of time until

this phase of the Solstice Park site is released, the emerging policies in the South Wiltshire Core Strategy and the recent release of other post-2011 phase sites for employment use. The development would have an acceptable design and appearance, would not harm the amenities of nearby properties, would not harm highway safety, traffic or sustainability interests, the River Avon Special Area of Conservation (SAC), the Salisbury Plan SAC and the Salisbury Plain Special Protection Area (SPA) or any other material planning consideration.

It would therefore comply with saved policies G1, G2 (General Development Criteria), C10 (Nature Conservation), D1 (Extensive Development) and TR14 (Cycle Spaces) of the Adopted Salisbury District Local Plan, and national guidance in PPG4 (Industrial, Commercial Development and Small Firms) and PPS24 (Planning and Noise). It would also comply with the Draft Regional Spatial Strategy for the South West and Draft Planning Policy Statement 4 (Planning for Sustainable Economic Development)

And 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 section 51 (1) of the Planning and Compulsory Purchase Act 2004

(2) No Development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion, and give due consideration of any above ground storage or potential overland flow routes.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system.

Policy: G2

(3) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstanding for vehicles, commercial lorry parks and petrol stations shall be passed through interceptors designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent petrochemical substances from car parking surfaces polluting the water environment.

Policy: G2

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

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

Policy: G2

(5) No development shall commence until the details of the security fence to be erected around each of the buildings has been submitted to and approved in writing by the local planning authority. The

details shall include height, colour finish and texture. The approved detail shall not be subject to any variation unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of visual amenity

Policy: G2

(6) The finished floor levels of the proposed buildings shall be in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority before development is commenced.

Reason: To ensure the exact finished floor levels of the buildings.

Policy: G2

(7) No development shall take place until details of the treatment to all hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall accord with the details as so approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity and the environment of the development.

Policy: G2

(8) No ground works or construction shall be undertaken outside of the following hours: Monday to Friday: 8.00am to 6pm; Saturday: 8.30 am to 1pm; Sundays & bank holidays: No construction or ground working. This condition does not apply to works of fitting out and decoration.

Reason: to protect the amenity of nearby residential property

Policy: G2

(9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the use of the site and buildings hereby approved shall be for a data centre, and for no other use (including other uses within Use Class B8).

Reason: the application has been considered on the basis on the proposal as submitted, and other uses (including as a distribution centre) would raise further planning considerations.

Policy: G2

(10) Notwithstanding the provisions of the Approved Master Plan for Solstice Park, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason: To enable the Local Planning Authority to secure the satisfactory evolution, management and maintenance of landscape works, in the interests of visual amenity.

Policy: G2

(11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in strict accordance with the approved implementation programme and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the amenity and the environment of the development.

Policy: G2

(12) The buildings hereby approved shall not be brought into use until full details of the noise mitigation methods as set out in the Acoustic Planning Report dated 16th July 2009, have been submitted to and approved, in writing, by the Local Planning Authority and implemented in full accordance with the approved details shall be implemented in full. The mitigation methods shall be retained and maintained in perpetuity.

Reason: in the interests of nearby residential properties, PPG24

Policy: G2

(13) The development hereby approved shall be undertaken in accordance with the submitted Construction Method Statement (dated June 2009) and Lighting Strategy and Design (dated June 2009) unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of nearby residential properties and to safeguard against pollution

Policy: G2, PPS14

(14) No development shall take place until full details of the proposed areas for cycle storage have been submitted to and approved, in writing, by the Local Planning Authority. The development shall not be brought into use until the cycle parking facilities have been provided and development shall be undertaken in accordance with the approved details unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: in the interests of sustainable development

Policy: G1, TR14

(15) The development shall not be first occupied until the access road, parking and turning areas hereby approved have been constructed in accordance with the details approved.

Reason: in the interests of highway safety

Policy: G2

(16) Prior to commencement of the development hereby permitted, the applicant shall provide full details of how they intend to comply with the existing approved Travel Plan for the site. The acceptability of these proposals will need to be agreed in writing by the Local Planning Authority. In complying with the existing Travel Plan the applicants will need to address the following issues:

- (a) The identification of targets for trip reduction and modal shift;
- (b) The methods to be employed to meet these targets;
- (c) The mechanisms for monitoring and review;
- (d) The penalties to be applied in the event that targets are not met;
- (e) The mechanisms for mitigation;
- (f) Implementation of the Travel Plan to an agreed timescale or timetable and its operation thereafter;
- (g) Mechanisms to secure variations to the Travel Plan following monitoring and review.

The agreed Travel Plan must be implemented and targets reviewed within 3 months of occupation and thereafter on an annual basis at the time of submission the annual Travel Plan Report.

Reason: To ensure that the operation of the Strategic Highway Network is protected and that sustainable travel objectives for the site are met and maintained.

Policy: G2

(17) No development hereby permitted shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle movements, construction operation hours, construction vehicle routes to and from the site, construction delivery hours, expected number of construction vehicles per day, car parking for the contractors, specific measures to be adopted to mitigate construction, impacts in pursuance of Environment Code of Construction Practice, and details of a scheme to encourage contractors to use alternative means of transport to the private motor vehicle. Construction works shall be carried out strictly in accordance with the Construction Management Plan.

Reason: In the interests of highway safety and the free flow of traffic on the trunk road network.

Policy: G2

(18) No development shall take place until a scheme for the provision of the footpath link to Porton Road has been submitted to and approved, in writing, by the Local Planning Authority. The development shall not be brought into use until the approved footway link has been provided in accordance with the approved details.

Reason: in the interests of encourage sustainable development.

Policy: G1

(19) No development shall commence until full details of the road/footway/cycleway construction to the extension to Sun Rise Way have been submitted to and approved in writing by the Local Planning. The extension to Sun Rise Way shall be constructed in accordance with these details at least to basecourse level before the first occupation of the development.

Reason: in the interests of highway safety

Policy: G2

INFORMATIVES:

Condition 3 – advice from the Environment Agency:

The following principles should guide this process. Surface water from car parking areas less than 0.5 hectares and roads should discharge via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, scrap yards, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not considered suitable.

Condition 4 – advice from the Environment Agency:

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered.

The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Applicants should visit for detailed information on water saving measures. A scheme of water efficiency should be submitted in accordance with the information supplied on the website. The following may also be helpful - <http://www.savewatersavemoney.co.uk/>.

Waste Management

Although a waste audit has been submitted with the application, a site waste management plan is also required. In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk>

Plans and Documents

This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution:

Plan References:

Landscape Strategy 100 Rev B, received 24th September 2009
Site Layout AL(07)001 Rev E, received 24th September 2009
Site Sections AL(07)002, received 24th September 2009
Roof Plan AL(07)003 Rev B, received 24th September 2009
Typical Building Layout and Elevation AL(07)007, received 24th September 2009
Site Location Plan AL(07)010 Rev B, received 24th September 2009
Contextual Site Layout AL(07)011, received 24th September 2009

HUMAN RIGHTS

- 1. State the right(s)**
Article 6 – The Right to a Fair Hearing
Article 8 – The Right to Respect for private and family Life
Article 1, Protocol 1 – Protection of Property
- 2. Give details of the victims and how their rights are affected – consider third parties as well as the person affected directly by the decision.**
Applicants - the right to extend their property
Neighbouring Residents - the right not to be detrimentally affected
General Public - the right not to be detrimentally affected
- 3. Give details of how the right is qualified and the interference is legitimate**
Article 8 and Article 1, Protocol 1 is qualified.
Article 6 is absolute.
Interference is legitimate in that is necessary in the public interest for the protection of the rights and freedoms of others and/or for protection of the environment
- 4. Give details of the laws with which the decision is in accordance.**
Town & Country Planning Act 1990
- 5. Details of the legitimate aim being pursued**

Aim – To control development in accordance with the Development Plan and National Policies contained in the accompanying report.

6. Give details of how the decision is proportionate and the relevant and sufficient reasons for it.

The balance of the considerations is such that the applicants' property rights outweigh any interference which there may be with the rights of neighbours and the general public – for the reasons set out in the report.

7. Give the reasons why there is no discrimination.

If there is discrimination give details. It has been dealt with no differently from any other planning application and the decision is in accordance with the Development Plan and National Policy Guidance.

BRAD FLEET

Service Director, Development

Recommendation to Authorising Officer:	
Case Officer	Date:

It is prudent to exercise delegated powers?	Yes		No	
Authorising Officer:	Date:			
Section 106 Letter of intent sent?	Yes		No	
	Date:			

Can the Decision Notice be issued?	
Releasing officers signature:	Date:

Decision Date:	Appeal date Received:	Decision and Date:
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RELEVANT SAVED POLICIES ADOPTED SALISBURY DISTRICT LOCAL PLAN

E8A – Land to the east of Porton Road

E8 Employment development is proposed on the following sites in Amesbury:

A. Land to the east of Porton Road. Extensive landscaping will be required on the eastern boundary. The development of the site will be phased with development limited to 18 hectares (net) of employment land during the lifetime of this Local Plan. Provision will be made within the site for a link road to the E8B at Boscombe Down. Proposals for leisure development will also be permitted on the site subject to their being no adverse effect on the vitality and viability of Amesbury Town Centre.

B) Approximately 12ha of land is proposed for science-based industry and research to facilitate the implementation of the Salisbury Research Triangle (SRT) initiative at Boscombe Down (7ha) and Porton Down (5ha). Development at Porton Down will be restricted to those activities requiring the co-locational benefits of the specialist facilities and expertise available at this site, primarily research laboratories. Development at Boscombe Down will be considered more flexibly within the B1 Use Classes and the site will be the focus for shared generic uses such as a conference centre or hotel. A planning obligation will be sought in respect of public transport improvements and the development of an integrated Green Commuter Plan at both sites. The release of land at Porton Down may require the repositioning of the existing playing field. The traffic implications of any development proposed within these 2 areas will be assessed and any necessary access alterations and/or off-site highway improvements will be sought. A vehicular link between the Boscombe Down site and the E8A site will be safeguarded to ensure it is not prejudiced by development.

The above sites are subject to a requirement for the provision of an all-movements junction with the A303 at Folly Bottom.

G1 - General Development Criteria

G1 In accordance with the principles of sustainable development, priority will be given to ensuring that development proposals:

- (i) achieve an overall pattern of land uses which reduce the need to travel and support increased use of public transport, cycling and walking;
- (ii) promote the vitality and viability of local communities;
- (iii) conserve both the natural environment and cultural heritage of the District; and
- (iv) make effective use of land in urban areas, particularly on previously developed sites.

G2 – General Development Criteria

G2 New development will be considered against the following criteria:

- (i) a satisfactory means of access and turning space within the site, where appropriate, together with parking in accordance with the guidance at Appendices V and VI of the Local Plan;
- (ii) avoidance of placing an undue burden on existing or proposed services and facilities, the existing or proposed local road network or other infrastructure;
- (iii) a minimum loss of disturbance to forestry land and the best and most versatile agricultural land, and avoid the severance of holdings;
- (iv) respect for existing beneficial landscape, ecological, archaeological or architectural features and include measures for the enhancement of such features and the landscaping of the site where appropriate;
- (v) avoidance of the loss of important open areas, a gap in a frontage or natural or built features (such as trees, hedges or other habitats, wall, fences and banks), which it is desirable to retain;
- (vi) avoidance of unduly disturbing, interfering, conflicting with or overlooking adjoining

dwelling or uses to the detriment of existing occupiers;
(vii) avoidance of locations which are liable to environmental problems due to their proximity to incompatible development;
(viii) avoidance of detriment to public health or pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, effluent or vibration; and
incorporation of energy efficient design through building design, layout and orientation.

C10 – Nature Conservation

C10 Development affecting a Site of Special Scientific Interest will not be permitted unless it is consistent with the objectives of the statutory designation and can be subject to conditions which would prevent damaging impacts on wildlife habitats or important physical features, or if the importance of the development is sufficient to override nature conservation interests and the national policy to safeguard the national network of such sites, in accordance with statutory obligations. Development proposals in, around or likely to affect an SSSI will be subject to special scrutiny including consultation with English Nature as required by national legislation.

Designated or potential sites of international importance (for example, Special Protection Areas, Special Areas of Conservation, Ramsar sites and Biogenetic Reserves) will be afforded the same protection as SSSIs. In addition, development likely to have a significant effect on such sites will only be allowed only where there is no alternative and if there are imperative reasons of overriding public interest and compensatory measures are provided. Where such a site hosts a priority habitat, as listed in the EC Habitats Directive, development should only proceed if required for reasons of human health and public safety or where there would be beneficial consequences of primary importance to nature conservation or other imperative reasons of overriding public interest in the opinion of the European Commission. The ability to find replacement value for any environmental loss will also be a consideration.

TR14 – Cycle Spaces

TR14 Secure bicycle parking spaces will be sought in new developments in a manner acceptable to the Local Planning Authority and in accordance with the guidelines given in Appendix VI.

D1 – Extensive Development

D1 Extensive Development

New development will be permitted where the proposals are compatible with or improve their surroundings in terms of the following criteria:

- (i) the layout and form of existing and the proposed development, and where appropriate the historic pattern of the layout;
- (ii) any features or open spaces, buildings and/or structures of character on or adjoining the site;
- (iii) the scale and character of the existing townscape in terms of building heights, building line, plot size, density, elevational design and materials ;
- (iv) the scale and use of spaces between buildings;
- (v) views/vistas afforded from within, over and out of the site; and
- (vi) any existing important landscape features and the nature and scope of new landscaping proposed within and around the edges of the site; and
- (vii) the roofscape/skyline long or medium distance views.

CONSULTATION RESPONSES IN FULL

Highways

First Response

Oliver, I have now had the opportunity to fully study the submitted TA. I comment that I am satisfied that it fully explores and analysis's the impact of the proposal. The data centre will not generate as much traffic at peaks and throughout the day as a mix of B1, B2 and B8 uses, which had previously been tested for the Regional Distribution Centre submission. The whole site Travel Plan will ensure that monitoring and sustainable initiatives will apply to this site. The assessment confirms the following with my comments included:-

1. 147 parking spaces are being provided and this complies reasonably with the parking guidelines. I note that 3000m2 of administrative space is proposed and 100 spaces will be allocated for staff working within these areas, with the remainder of parking taken up at a lower B8 ratio. I am satisfied that sufficient parking is provided for this specialist use.
2. HGV use is not proposed to be significant with technical equipment and office supplies being the main service types. Therefore, although service provision is poor for manoeuvring space, I am prepared to accept the proposed arrangement for servicing.
3. Cycle parking - 34 spaces proposed with shower facilities also provided, nearly meets WC guidelines and acceptable. However, no details of where the cycles will be parked and the type of shelter/cover are indicated. My concern here is that the cycle spaces must be overlooked and close to staff entrances and, as no details are shown, I cannot be assured that cycle parking can be satisfactorily approved. I request further details with the submission for approval. Cycle lane is incorrectly identified on the submitted drawing but correctly identified in para 4.6 of TA - it is located on the north side of Sun Rise Way. For clarity, drawing should show the route correctly.
4. para4.6, footpath link to Porton Road is welcomed. But drawing does not make clear that whole route is/will be available. I understand there is a landscaping scheme which may very well include a footpath network and clarification is sought to ensure the link will be available from occupation.

I look forward to clarification where appropriate and confirm that, once these matters are confirmed, then no highway objection to the development is recommended. The access road has already obtained consent via a separate application, but I would recommend a condition that the access road is completed before first occupation of the development. The parking and manoeuvring areas shall also be constructed in accordance with further details to be approved, and completed in accordance with the approved details before first occupation.

Second Response

I am in receipt of the amended drawings and confirm that there are no highway objections subject to the following conditions:-

1. No development shall commence until details of the proposed cycle parking areas have been submitted to and approved in writing by the LPA; and the cycle parking areas shall be provided in accordance with the approved details before first occupation of the development.
2. No development shall commence until full details of the road/fooway/cycleway construction to the extension to Sun Rise Way have been submitted to and approved in writing by the LPA; and the extension to Sun Rise Way shall be constructed in accordance with these details at least to basecourse level before the first occupation of the development.
3. No development shall commence until details of the parking and manoeuvring areas within the development have been submitted to and approved in writing by the LPA; and the parking

and manoeuvring areas shall be constructed in accordance with the approved details before the first occupation the development.

4. No development shall commence until details of the footpath link to Porton Road have been submitted to and approved in writing by the LPA; and the footpath link shall be provided in accordance with the approved details before the first occupation of the development.

Reasons: all in the interests of highway safety.

Environment Agency

Thank you for consulting the Environment Agency on the proposals for plots C4 and C5 Solstice Park. We have no objection to the development as proposed subject to conditions relating to flood risk and drainage, pollution control and water efficiency being attached to any permission granted.

Flood risk and drainage

This application is supported by a site specific Flood Risk Assessment (FRA) produced by PFA Consulting (Ref: S349 Issue 1) and dated 19.06.2009.

On the basis of the FRA we have no in-principle objection to the proposed commercial development on flood risk grounds, provided that we are subsequently consulted regarding the detailed design of the necessary surface water management scheme. We would note however the FRA contains some minor errors in section numbering and some inconsistency.

Although the FRA gives an adequate interpretation of the site and identifies the need to make allowance for climate change (Appendix B. PPS25) within the drainage scheme, a detailed design has not been supplied. Therefore we require full details of the surface water management scheme to be submitted and this can be achieved through an appropriately worded condition. I would suggest the following wording would be appropriate:

CONDITION

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion, and give due consideration of any above ground storage or potential overland flow routes.

REASON

To prevent the increased risk of flooding, to improve and protect water quality, and ensure future maintenance of the surface water drainage system.

Please note that we accept no liability for the FRA provided in support of this proposal, or any calculations contained. This letter does not constitute approval of any such calculations or constitute the Environment Agency's consent or approval that may be required under any other statutory provision, byelaw, order or regulation.

Pollution Prevention

The Construction Method Statement report produced by PFA Consulting Job number 5349 dated 19 June 2009 covers the relevant issues with regard to protecting the water environment and makes reference to the Environment Agency's own Pollution Prevention Guidelines within Appendix 2. The Environment Agency should be notified of any pollution incident via our incident hotline on 0800 80 70 60.

Pollution prevention will also need to be considered when developing the detailed surface water drainage design. The following condition should also be applied:

CONDITION

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from impermeable parking areas and hardstandings for vehicles, commercial lorry parks and petrol stations shall be passed through interceptors designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

REASON

To prevent petrochemical substances from car parking surfaces polluting the water environment.

The following principles should guide this process.

Surface water from car parking areas less than 0.5 hectares and roads should discharge via deep sealed trapped gullies. For car parks greater than 0.5 hectares in area, oil interceptor facilities are required such that at least 6 minutes retention is provided for a storm of 12.5mm rainfall per hour. With approved "by-pass" type of interceptors, flows generated by rainfall rates in excess of 5mm/hour may be allowed to by-pass the interceptor provided the overflow device is designed so that oily matter is retained. Lorry parks, scrap yards, off loading areas require full oil interceptor facilities and "by-pass" interceptors are not considered suitable.

Segregation of roof water should be carried out where possible to minimise the flow of contaminated water to be treated. Detergents, emulsifiers and solvents must not be allowed to drain to the interceptor as these would render it ineffective.

Water Efficiency

The following condition should be applied to ensure the development is as efficient as possible for water use. This is in line with your Council's Core Strategy Proposed Submission document Policy 19 on water efficiency.

CONDITION

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

REASON

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

INFORMATIVE

The development should include water efficient appliances, fittings and systems in order to contribute to reduced water demand in the area. These should include, as a minimum, dual-flush toilets, water butts, spray taps, low flow showers (no power showers) and white goods (where installed) with the maximum water efficiency rating. Greywater recycling and rainwater harvesting should be considered.

The submitted scheme should consist of a detailed list and description (including capacities, water consumption rates etc. where applicable) of water saving measures to be employed within the development. Applicants should visit for detailed information on water saving measures. A scheme of water efficiency should be submitted in accordance with the information supplied on the website. The following may also be helpful - <http://www.savewatersavemoney.co.uk/>.

Waste Management

INFORMATIVE

Although a waste audit has been submitted with the application, a site waste management plan is also required. In England, it is a legal requirement to have a site waste management plan (SWMP)

for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT. You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care.

Further information can be found at <http://www.netregs-swmp.co.uk>

Ministry of Defence

Thank you for consulting the Ministry of Defence on the above proposed development which was received by this office on 05/10/2009. We can confirm that the Ministry of Defence has no safeguarding objections to this proposal

Environmental Health

Comments:

All the proposed noise mitigation methods as described in the planning application are implemented prior to the commencement of the buildings to minimise the noise disturbances to the local residents.

Archaeology

The above site was the subject of an archaeological evaluation as part of an outline planning application (S/1992/721) for the whole Business Park. Where significant archaeological features were identified these were the subject of excavation. Additional areas were also the subject of a watching brief during the landscaping proposals set out in application S/2002/1714. It is likely that the landscaping will have removed or buried any remaining archaeological features.

I consider that the archaeological investigation of the site has been completed and I therefore have no comments to make on the above proposal.

Highways Agency

This site has outline planning permission for a B1, B2, B8 use but requires a full planning application due to the fact that the current development is not in accordance with the approved phasing of development at Solstice Park.

Trip Generation - The Agency accepts that the proposed development for the site will cause less of an increase in traffic flows than most B1, B2, B8 developments due to the nature of the storage on the site. As the data will be transferred to and from the site electronically the B8 portion of the development will only require trips for maintenance and security rather than the HGV movements associated with deliveries at normal B8 developments.

Background Traffic Growth - The Agency accepts that the 2007 data should be used for background flows as traffic on this part of the network has reduced between the last quarter of 2007 and the last quarter of 2008. Therefore there is no need to apply a growth rate to increase the background traffic to 2009 levels

Traffic Impact - The Agency accepts that as the number of trips generated by the proposed data centre will result in fewer extra trips than that which already has outline planning permission it will cause less of an impact on the highway network specifically the Countess Roundabout on the A303.

This junction has already been modelled for the application for a Regional Distribution Centre at Solstice Park in June 2009 with traffic flows based on the Paramics model including the original B1 B2 B8 trip generation as a committed development. As this new proposal will reduce trip rates from those already agreed and tested by inspection the proposed data centre should not have a material impact on the Countess Roundabout

Summary and Conclusions - As the proposed data centre will generate fewer two way trips than the B1 B2 B8 development for which the site already has outline planning permission and for which the A303 Countess Roundabout has already been modelled showing little impact the Agency has no objections to the proposed development.

Natural England

Thank you for consulting Natural England on the above proposal. Your letter was received by this office on the 5 October 2009. As you are aware, Natural England (formerly English Nature) has been involved in ongoing consultation regarding the Solstice application since 2000 due to its potential to affect the River Avon, part of the River Avon System Site of Special Scientific Interest and Special Area of Conservation (SSSI/SAC), which has protection under national and international legislation.

The application states that this is a new application for development that does not relate to approval of reserved matters for the development at Solstice Park (outline planning consent 2001). Under Regulation 48(3) of the *Habitats Regulations 1994*, Natural England is of the opinion that, the proposals, either alone, or in-combination with other plans or projects, may result in the possibility of a likely to have a significant effect on the important interest features of the River Avon SAC, and a Habitats Regulations Assessment (HRA) is therefore required.

In particular, Natural England is concerned by the:

River Avon SAC

- potential increase in demand for water resources, in particular, in terms of the expansion of the site beyond that consented up to 2011 and any mitigation proposed such as water saving measures to be incorporated within the design of the scheme. The developer should confirm that the water company concerned has the capacity to provide the proposed increase in water demand from this development within their license.
- potential impact on water quality (likely foul water inputs). It does not follow that because the water company can meet the increase in demand for sewage treatment and subsequent discharge of treated water within their existing license that there will be no likely significant effect on the SAC.

The Council will be aware that Natural England is concerned that STW discharges, when combined with other sources of P (e.g. agricultural sources, septic tanks), are still contributing to a significant threat to site integrity. The Upper Avon presently exceeds, or is at the upper limit, in respect to the Conservation Objective target of a phosphate (P) level of 0.06mg/l. This is despite significant AMP4 improvements (phosphate stripping plants being installed) to a number of STWs on this river. To be able to ascertain that these discharges no longer threaten the integrity of the SAC at the end of the RoC process, it will be necessary for the Environment Agency to invoke the provisions of 51(3) of the *Habitats Regulations*. In this context the establishment of a supplementary phosphorus management plan (PMP) is required, which has provisions that are effective and implemented expeditiously. Further to this, Article 6.1 of the *Habitats Directive* requires Member States to establish measures which will ensure that sites are contributing to Favourable Conservation Status.

Currently, such a PMP does not exist for the Hampshire Avon SAC and in order to address this, the Environment Agency, Natural England and Wiltshire Council with the support of the water companies are in the process of developing a River Avon Catchment Phosphates and Flows Action Plan. It is hoped that the implementation of this plan will ensure that there is a trend of reduced P concentration supported through developer contributions, and that this would satisfy the requirement of Article 6.1 of the *EU Habitats Directive*.

Natural England (South West) is currently commissioning research work to better understand the relative importance of other sources of phosphate on the Hampshire Avon system. Work is also ongoing to identify the necessary mix of measures required at different locations within the Hampshire Avon SAC to reduce phosphate concentrations appropriately. Whilst it is not possible to prescribe the relative balance of specific measures at specific locations currently, it seems likely that the following measures will be required: further source apportionment studies;

additional modelling exercises; additional actions to better manage agricultural pollution; better understanding of the risks posed by septic tanks and the provision of advice on how they can be better managed; better management of urban run-off.'

In the absence of any planning policy to address this issue at the local plan level, Natural England feels that in order to facilitate development and for it to be Habitats Regulations Assessment compliant that the Local Authority, in consultation with the Environment Agency and Natural England, will determine a financial contribution applicable to all residential development using Sewage Treatment Works (STWs) within the catchment.

Natural England welcomes the proposed use of a SuDs but the Council will need to be satisfied that the design is appropriate to accommodate the drainage from this development, provides opportunities for habitat creation and enhancement where possible, and prevents any environmental damage to the river.

Legally Protected Species

Please note it is the responsibility of the local planning authority to fully assess the impact of the proposal on Protected Species under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and the Protection of Badgers Act 1992. Paragraph 98 of the Circular states that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat." A list of all protected species of animals and plants can be found in Annex A of Circular 06/2005 accompanying PPS9.

The wider environment and landscape

A landscape plan has been submitted but does not give details and Natural England would wish to agree the proposed plan in due course and hope to see enhancement for biodiversity.

I would also note that a formal landscape assessment has not been undertaken for the development and whilst the proposed 'buildings reflect the sort of modern design ethos already found on Solstice Park in Zone A and B in terms of colour, materials and form (including "barrel" roof structures)' I am not necessarily convinced that 'more of the same' is sufficient justification for the design of a new development, especially if it is on the edge of a site.

The design statement also mentions the requirement for a large amount of power but does not propose any energy saving or green energy measures.

Second Response

Further to our telephone conversation in which you clarified the fact that this application is related to the outline planning consent 2001 for which an Appropriate Assessment (AA) was completed to assess the potential impacts on the SAC. Natural England's advice after consultation on the AA was that provided the conditions outlined to reduce the potential for pollution, to ensure sustainable drainage was incorporated and maintained, and that water saving measures were incorporated into development designs then this should address any potential cause of adverse effects on the integrity of the site. I therefore withdraw Natural England's objection under Regulation 48(3) of the *Habitats Regulations 1994*.

Legally Protected Species

Please note it is the responsibility of the local planning authority to fully assess the impact of the proposal on Protected Species under the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats &c.) Regulations 1994 (as amended) and the Protection of Badgers Act 1992. Paragraph 98 of the Circular states that "the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat." A list of all protected species of animals and plants can be found in Annex A of Circular 06/2005 accompanying PPS9.

My general comments on the protected species and the wider environment and landscape still stand.