

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 6 APRIL 2022 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall, Cllr Robert Yuill, Cllr Helen Belcher (Substitute), Cllr Clare Cape (Substitute) and Cllr Stewart Palmen (Substitute)

Also Present:

Cllr Dr Nick Murry, Cllr Chuck Berry and Cllr Suzanne Wickham

73 **Apologies**

Apologies were received from Councillors Adrian Foster, Sarah Gibson and Carole King.

Councillor Foster was substituted by Councillor Clare Cape.

Councillor Gibson was substituted by Councillor Helen Belcher.

Councillor King was substituted by Councillor Stewart Palmen.

74 **Minutes of the Previous Meeting**

The minutes of the meeting held on 23 February 2022 were presented for consideration, and it was,

Resolved:

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

75 **Declarations of Interest**

Councillor Elizabeth Threlfall declared a non-pecuniary interest in that years prior, before she had been elected, she had submitted a personal objection in respect of application 20/03528/FUL. She stated that she had and would consider all relevant information and had approached the application with an open mind and would debate and vote on the item.

Councillor Ernie Clark declared a non-pecuniary interest as he was a member of Hilperton Parish Council, which had submitted comments in respect of application PL/2021/03061. He confirmed he had and would consider all relevant information in his role as a Unitary Member, had approached the application with an open mind and would debate and vote on the item.

76 **Chairman's Announcements**

There were no announcements.

77 **Public Participation**

The rules on public participation were noted.

78 **Planning Appeals and Updates**

The report on planning appeals was received. It was noted that for both applications, 19/05898/OUT and 20/08341/OUT, the table should state that the officer recommendation had been to approve, which were overturned by the Committee.

The applications were part of the same area of land, and so would be considered by an Inspector together for the appeal inquiry.

The Chairman explained that there had been three main reasons for refusal in both cases, including that the sites lay outside the settlement boundary, was not in accordance with the Neighbourhood Plan, and the access to the site being prone to flooding. Advice had been received that at present the Council was unable to find a consultant or barrister prepared to defend that reason for refusal. If that remained the case, the Chairman informed the Committee that under the Scheme of Delegation officers in consultation with himself were empowered to withdraw that reason for refusal.

The Committee discussed the update, and ability of members to attend appeal hearings in defence of the council's positions, and the advice received on the possibility of facing costs if the reason for refusal was not able to be legally defended.

After discussion, it was,

Resolved:

To note the update on appeals as detailed above.

79 **Planning Applications**

The following planning applications were considered.

Public Participation

Alexander Golesworthy spoke in objection to the application.

Mark Hawkesworth spoke in objection to the application.

Jacqui Erskine-Crum spoke in objection to the application.

Adam Withers, Applicant, spoke in support of the application.

Tim Kent spoke in support of the application.

John Thorne spoke in support of the application.

Michael Bromley Gardener, clerk, on behalf of Hankerton Parish Council, spoke in objection to the application.

The Development Management Team Leader, Lee Burman, presented a report which recommended that permission be granted for installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery-based electricity storage containers together with transformer stations; access; internal access track; landscaping; security fencing; security measures; access gate; and ancillary infrastructure.

The scale and details of the site were outlined, including the reduction in scale from the original application along with additional significant landscaping and assessments of impact. Key issues included the principle of the application, the impact upon the landscape and visual or residential amenity, impact on protected species and other environmental impacts. It was noted the recommendation was to condition permission to give consent for 40 years, with a decommissioning plan required to remove all panels at that time. Benefits of the application would include an increase in renewable energy generation, with associated benefits from carbon reduction.

Members of the Committee then had the opportunity to ask technical questions of the officers. Details were sought on the estimates of power generation, the council's planning policies in respect of carbon reduction, and confirming that the applicants could require installations be removed earlier in the event the technology become outdated.

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

A local Unitary Member, Councillor Chuck Berry, then spoke regarding the application. He referenced issues of energy security, a lack of council strategy in respect of major substations and the scale of installations in relatively few areas, and the views of local residents.

The local Unitary Member, Councillor Elizabeth Threlfall, then spoke regarding the application. She noted the scale of the proposed installation and its impacts and spoke in objection to the application.

The Committee then debated the application.

On the motion of Councillor Christopher Newbury, seconded by Councillor Pip Ridout, it was proposed that the application be deferred to allow for a site visit to take place. In support of the motion comments were made that given the significance of the installations it would be appropriate to be personally familiar with the site in order to assess its suitability with council policy. In opposition to the motion comments were received that sufficient information had been provided to assess and be familiar with the site. Comments were also made regarding potential fire risks and monitoring systems.

At the conclusion of debate the vote was lost.

A motion was then moved by Councillor Tony Trotman, seconded by Councillor Ernie Clark, to approve the application in accordance with the recommendation in the report. The benefits of a council strategy in relation to substations was raised, but noting that on policy as it currently stood the application was considered compliant. The mover and seconder also agreed to include a condition for the colouring of the battery storage containers to reduce the visual impact.

Other comments in debate included discussing the conditioned period of operation and if reducing this to 25 years instead of 40 would meet the legal tests for imposing conditions. Some comments were concerned about whether the production of solar panels would take place in China, although it was noted other countries did produce them.

At the conclusion of debate, it was,

Resolved:

Having taking into account the environmental information, to GRANT planning permission subject to the following conditions.

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

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

2. The permission hereby granted shall be for a temporary period and shall expire 40 years from the date that electricity from the development is first exported to the electricity distribution network ('First Export Date') or no later than 44 years from the date of this decision, whichever is the soonest. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than 1 calendar month after that First Export Date. Within 6 months of the date of expiry of this planning permission, or, if sooner, the cessation of the use of the solar panels for electricity generation purposes for a continuous period of 6 months, the solar panels together with any supporting/associated infrastructure including the inverter stations, security equipment, poles and fencing

shall be removed from the land and the land restored to its former agricultural condition in accordance with a scheme of work to be submitted to, and approved in writing by, the local planning authority. The scheme of work, including a restoration plan and a decommissioning scheme that takes account of a recent ecological survey, shall be submitted to the local planning authority not less than six months before the removal of the installation.

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

3. The development hereby permitted shall be carried out in accordance with the details

shown in the following approved plans, drawings and documents:

- **Site Location Plan – P19-2270_01 Rev. B – 22 April 2020**
- **Minety PV Layout Rev. A – 19 August 2021**
- **Landscape Masterplan – P19-2270_13 Rev. J – 1 November 2021**
- **Construction Compound – 15 November 2021**
- **Typical PV Table Details Rev. A – 3 June 2021**
- **Typical Trench Sections Details Rev. A – 6 April 2020**
- **Typical Spares Container Details Rev. A – 6 April 2020**
- **Typical Battery Storage System Details 1 Rev. A – 6 April 2020**
- **Typical Battery Storage System Details 2 Rev. A – 6 April 2020**
- **Typical Customer Switchgear Details Rev. A – 6 April 2020**
- **Typical Inverter Substation Details Rev. A – 6 April 2020**
- **Typical Fence, Track & CCTV Details Rev. A – 6 April 2020**
- **Arboricultural Impact Assessment – 4 June 2021**
- **Noise Assessment for Planning – Acoustics Report A1579 R01 – 24 April 2020**

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

4. No development shall commence, except ground investigations and remediation, until infiltration testing and soakaway design in accordance with Wiltshire Council's Surface Water Soakaway Guidance have been undertaken to verify that soakaways will be suitable for the development. If the infiltration test results demonstrate that soakaways are not appropriate, an alternative method of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority and installed before the development is first brought into use.

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

5. No development shall commence on site until details of the drainage arrangements during the construction phase have been submitted to and approved in writing by the Local Planning Authority. The plan must make

provision for the installation of attenuation storage prior to the installation of any upstream drainage infrastructure.

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

6. No development shall commence on site until a scheme for the discharge of surface water from the site/phase, including sustainable drainage systems and all third-party approvals, has been submitted to and approved in writing by the Local Planning Authority. Details should include swale design and operation for the lifetime of the development.

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

7. Notwithstanding the contents of the Construction Traffic Management Plan (April 2020) by Pegasus Group, no development shall commence on site (including any works of demolition), until a detailed Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the local planning authority. Thereafter, the approved CTMP shall be implemented and adhered to throughout the entire construction period unless otherwise agreed in writing by the Local Planning Authority. The CTMP shall provide details as appropriate, including the following:

- i.mitigation measures at the access points throughout construction;**
- ii.the signing and routing of all construction traffic with particular reference to HGVs and deliveries;**
- iii.the parking of vehicles of site operatives and visitors;**
- iv.the loading and unloading of plant and materials;**
- v.the storage of plant and materials used in constructing the development;**
- vi.the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
- vii.wheel washing facilities;**
- viii.measures to control the emission of dust and dirt during construction;**
- ix.a scheme for recycling/disposing of waste resulting from demolition and construction works;**
- x.measures for the protection of the natural environment;**
- xi.hours of construction, including deliveries; and**
- xii.details of public engagement both prior to and during construction works.**

REASON: To protect the amenities of the occupiers of neighbouring residential properties, the amenities of the area in general, the natural environment, and in the interests of highway safety.

8. The development hereby permitted shall not commence until the western access has been constructed in accordance with the approved plans and the first 15 metres of the western access, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

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

9. Any gates at the western access shall be set back 16 metres from the edge of the carriageway and such gates shall open inwards only.

REASON: In the interests of highway safety.

10. No development shall commence on site until visibility splays at the main access have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 42 metres to the west and 185 metres to the east from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

11. No development shall commence on site until visibility splays at the western access have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 173 metres to the west and 200 metres to the east from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

12. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a finalised Ecological Mitigation and Enhancement Plan (EMEP) shall be submitted to and approved in writing by the Local Planning Authority. The EMEP shall illustrate all existing ecological features together with avoidance and mitigation measures in relation to the scheme layout, and clear indication of those features and habitats to be retained. 'No construction' zones/buffer zones and root protection areas and associated distances/widths shall be illustrated on the EMEP and this should include, but not be limited to, the 20m buffer to be incorporated alongside the adjacent SSSIs and the buffer between the construction compound and nearby ecological features, including

hedgerows, trees and ponds. The EMEP shall also illustrate all areas of habitat to be enhanced and areas of new habitat creation including wildflower meadows and areas of planting. Any ecological enhancement features such as bat roost boxes and bird nest boxes shall be illustrated on the plan.

The EMEP must also illustrate the proposed location of the perimeter fencing in relation to existing boundary features and habitats to be retained and there will be no encroachment upon these features and no construction or operational works shall extend into the adjacent buffers and access these areas will be restricted to that necessary for habitat maintenance purposes alone.

Development shall be undertaken in strict accordance with the approved EMEP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection, mitigation and enhancement of biodiversity. Furthermore, the application contained inadequate detail to enable this matter to be wholly resolved prior to determination, and P19-2270_23 Biodiversity Mitigation and Enhancement Plan NOV 2021 submitted in support of the planning application was found to be lacking all the relevant details. Therefore, a finalised and suitably detailed and appropriate EMEP must be agreed with the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

13. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a finalised Construction Environmental Management Plan (CEMP) shall be 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:

- a. Details of all mitigation measures and identification of ecological protection areas/buffer zones and tree root protection areas as well as details and specification of physical means of protection, e.g. temporary fencing to demarcate buffer zones such as the zone of at least 15m in width between the construction compound and hedgerow and buffer zone of 20m between the site and adjacent SSSIs. Details of specific measures such as gaps in fencing to avoid causing harm to biodiversity features should also be stipulated. Measures should be illustrated on a plan (this could comprise the EMEP).
- b. Details and timing of any update surveys required pre-commencement of works on site such as for badgers.

- c. **Precautionary working method statements, including the restrictions to the timing of such works, such as sensitive vegetation clearance method in respect of birds.**
- d. **Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts and bats; this should comprise the pre-construction/construction related elements of strategies only.**
- e. **Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors, and stipulation of work activities to be overseen by a licensed ecologist and/or ecological clerk of works (ECoW).**
- f. **Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**
- g. **Schedule for compliance checks to be completed by a competent person(s), likely the ecologist/EcoW, prior to, during and post-completion of construction works.**
- h. **A compliance report must be provided to the local planning authority within four weeks of the end of construction and the report shall include photographic evidence.**

Development shall be carried out in strict accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure adequate protection and mitigation for ecological receptors prior to and during construction. In addition, the CEMP provided alongside the planning application did not include all the necessary details and therefore, a finalised CEMP must be approved by the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

14. Within four weeks of the end of the construction phase 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 by the aforementioned competent person prior to, during and post-completion of construction works. Associated dates of visits to site shall be stipulated in the compliance report and photographic evidence shall be provided.

REASON: To ensure works are undertaken in strict accordance with the approved EMEP and 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.

15. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, a Landscape and Ecological Management Plan (LEMP)

shall be submitted to and approved in writing by the Local Planning Authority. The LEMP will include long term objectives and targets; a plan identifying retained and proposed habitat features; and management responsibilities and maintenance schedules for each ecological feature and habitat within the development. The LEMP shall also include a schedule for monitoring success of the management prescriptions, incorporating review and necessary adaptive management and remedial works in order to attain targets. The monitoring schedule shall stipulate the years after the commencement of operation that a monitoring report, to be prepared by an independent ecologist, shall be submitted to the Local Planning Authority. The LEMP will also cover the period of decommissioning at the end of the operational phase of the development.

The LEMP shall provide details of the legal and funding mechanism(s) by which long-term implementation of the plan will be secured. The development shall be undertaken and managed in accordance with the approved LEMP unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the implementation of appropriate long-term management of landscape and ecological features and habitats for the lifetime of the development. In addition, the LEMP provided alongside the planning application did not include all the necessary details and therefore, a finalised LEMP must be approved by the Local Planning Authority before development commences to ensure compliance with legislation, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

16. Prior to the commencement of works, including site clearance, vegetation clearance, boundary treatment works and ground works/excavation, an Ecological Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should set out the monitoring scheme and should include the following:

- Commitment to undertake surveys immediately following construction completion to establish the baseline for future monitoring.
- Identification of the key features to be monitored and methodology to be used.
- Monitoring targets with specific measurable thresholds for success for each key feature with remediation measures incorporated where necessary.
- Commitment to continue monitoring for the operational lifetime of the installation in years 1, 3, 5, 10, 25 and 40, and a 5-year aftercare plan following completion of restoration.
- Commitment to prepare a report after each monitoring exercise, relating findings to those of previous years and the intended targets. The report will be submitted to the Local Planning Authority within 6 months of each monitoring visit.

REASON: To ensure the protection and enhancement of biodiversity.

17. No external artificial lighting shall be used or installed on site until lux contour plots/lighting contour plans for all proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The plots/plans must demonstrate that bat habitat to be retained will be maintained as 'dark corridors'. Details of mitigation measures that would be implemented where necessary, to minimise light spill shall also be provided. Lighting proposals shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light' and their Guidance Note GN08-18 'Bats and artificial lighting in the UK', issued jointly with the Bat Conservation Trust.

Construction phase lighting shall be limited to two tower systems comprising 6 x 160W Multi-LED which are only to be used where necessary during the winter months and this is subject to the requirements of this condition having been met.

Lighting at the site shall be in strict accordance with the approved details and no additional external lighting shall be installed either during construction or operation unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light spill and to minimise potential for adverse effects on bats and other wildlife. In addition, insufficient information was provided alongside the planning application to allow this matter to be wholly resolved prior to determination. Therefore, further details to demonstrate that dark corridors will be achievable must be submitted to, and approved by, the Local Planning Authority before development commences to ensure compliance with legislation in respect of protected habitats and species, NPPF 2021, Core Policy 50 of the Wiltshire Core Strategy and best practice.

18. Prior to decommissioning, an ecological assessment and mitigation report shall be submitted to the Local Planning Authority for written approval. The site shall be decommissioned in strict accordance with the approved report.

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.

19. No development shall commence on site and no equipment, machinery or materials shall be brought on to site for the purpose of development until tree protective fencing has been erected in accordance with the details set out in the Arboricultural Impact Assessment (June 2021) by Barton Hyett Associates.

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

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

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

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

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

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

20. All soft landscaping comprised in the approved details of landscaping, as shown on the Landscape Masterplan drawing no. P19-2270_13 Rev. J, 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.

21. In the event that contamination is encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor to deal with the contamination and provide a written remedial statement to be followed by a written verification report that confirms the works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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

REASON: To protect the amenities of the occupiers of neighbouring residential properties.

23. The noise rating level (BS4142:2014) of plant shall be no more than those specified in Table 13 of Ion Acoustics report A1579 during daytime (0700–2300hrs) at identified residential receptors and no more than a rating level of 20dB during night-time (2300-0700hrs) at any residential receptor.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area and to protect the amenities of the occupiers of neighbouring residential properties.

24. The development hereby permitted shall not be first brought into use until all of the external walls of the battery storage units, other site structures and security fencing have painted/finished in a colour the details of which shall be submitted to the Local planning authority for approval and shall be either moss green or brown. The colour finish shall be retained in perpetuity thereafter.

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

INFORMATIVE

Nothing in this permission shall authorise the diversion, obstruction, or stopping up of any public right of way that crosses the site. You are advised to contact the Public Rights of Way officer on RightsOfWayConsultations@wiltshire.gov.uk.

INFORMATIVE

The proposal includes alteration to the public highway. The permission hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

INFORMATIVE

The applicant should note that it will be necessary for a Great crested newt District Level Licence to be obtained from Natural England in order to allow the works to proceed lawfully. Great crested newts and their habitat are protected at all times by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Planning permission for development does not provide a defence against prosecution under this legislation.

INFORMATIVE

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

INFORMATIVE

If soakaways prove to be non-viable and discharge to an ordinary watercourse is required:

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

INFORMATIVE

The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public

Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

INFORMATIVE

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

INFORMATIVE

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

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

A break was taken from 1220-1235

81 **PL/2021/03061, Agricultural fields west of Whaddon Farm, Whaddon Lane, Hilperton, Trowbridge, BA14 6NR**

Public Participation

David Dean, Agent, spoke in support of the application.

Cllr Richard Allan, on behalf of Hilperton Parish Council, spoke in objection to the application.

Andrew Guest, Head of Development Management, presented a report which recommended permission be granted for 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.

Details of the application and the site were provided, including the temporary construction compound, as well as relevant council and national policies. Key details included the principal of development, as well as impacts on character of the area. No objections had been received from Highways.

Members of the Committee then had the opportunity to ask technical questions of the officers. It was confirmed there was a condition in respect of the colour of fencing and containers on the site, and that public protection advice had been received that noise generated should not be above background noise level. Questions were also raised on construction of previous installations nearby, and operational considerations on fire risk.

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

The local Unitary Member, Councillor Ernie Clark, highlighted the comments from the parish council and the issues raised.

The Committee then debated the application. Strengthening conditions relating to landscaping plans was raised, along with other details on planting and screening. The mover and seconded accepted adjustments to conditions on height of hedges and other landscaping. The structural integrity of a bridge that would be crossed by construction vehicles, with a road condition survey one of the conditions, was also discussed.

On the motion of Councillor Tony Trotman, seconded by Councillor James Sheppard, it was then,

Resolved:

To GRANT planning permission 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.

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

INFORMATIVE: Drawing no. P19-1958_11, Rev B, Detailed Planting Plan, as received on 24 September 2021, is not approved - see condition 18.

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 Notwithstanding the details set out in the Detailed Planting Plan accompanying the application, no development shall commence on site until a scheme of soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include :-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;

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

INFORMATIVE: The applicant is advised to incorporate native varieties that are fast-growing. This should include both deciduous and evergreen varieties.

19 All soft landscaping comprised in the approved details of landscaping

shall be carried out in the first planting and seeding season following the date on which any part of the development becomes first operational or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority.

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

20 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: (2)

21 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.

22 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.

Councillor Ernie Clark requested his vote in abstention be recorded.

PL/2021/08566, Land West of Penn Farm, Capps Lane, Heywood, BA13
4NF

Public Participation

Cllr Jeff Ligo, reading statements on behalf of local residents, spoke in objection to the application.

Ruth Munns, Agent, spoke in support of the application.

Cllr Jeff Ligo, on behalf of Bratton Parish Council, spoke in objection to the application.

Andrew Guest, Head of Development Management, presented a report which recommended permission be granted for provision of 3 gypsy and traveller pitches and associated works including day rooms, parking, turning, septic tank and landscaping.

Details of the application and the site were provided, as well as relevant council and national policies. A Gypsy and Traveller Accommodation Assessment (GTAA) had taken place, identifying the need for pitches between 2022-2038 across the council area. 120 new pitches for travellers who meet the planning definition in Planning Policy for Traveller Sites (PPTS) Annex 1, 61 pitches for households who do not meet the definition but may be protected under the Equality Act, and up to 18 pitches for households who could not be determined. This application would therefore contribute 3 pitches against the final criterion, and as the GTAA was newly updated, current delivery was zero. Further details were provided on recent appeals and substantial unmet need being of considerable weight. It was confirmed there was no mains power proposed for the site, but in isolation and without other sufficient reasons the recommendation assessed that the proposal should be approved.

Key details therefore included the principal of development, impact upon the area, neighbouring amenity and highways impacts.

Members of the Committee then had the opportunity to ask technical questions of the officers. Details were sought on the impact of generators on the site, and a condition had been proposed to mitigate this. It was confirmed energy generation would be domestic scale, and the council could encourage generation be through solar power. Normal household waste could be burned on the site as with any residential site. Details were also sought about the road alongside the site and visibility splays. It was confirmed no objections had been received from Highways.

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

The local Unitary Member, Councillor Suzanne Wickham, spoke in objection to the application. She highlighted concerns about lack of local need for sites, concerns with highways, lack of essential services for the site, access, and impact upon character and appearance and amenity.

The Committee then debated the application. A motion was moved by Councillor Pip Ridout, seconded by Councillor Christopher Newbury, to refuse the application as contrary to Core Policy 47. Comments in support of the motion included the narrow road and high speed limit, and the lack of pedestrian access, as well as adverse amenity access and lack of essential services for the site. Comments against the motion included that the site was already suitable for the current pitch, including the access as acceptable, and that concerns regarding the impact of generators and other aspects could be mitigated by condition. The lack of objection from highways or drainage officers was noted, as well as the wider need for pitches. Details were sought of previous permissions on the site, and it was confirmed restrictive conditions were to enable management of the site so that if there was intended to be an increase this would require formal permission.

Following debate, the vote on the motion to refuse was lost.

A motion was then moved by Councillor Tony Trotman, seconded by Councillor James Sheppard, to approve in accordance with the recommendation in the report, and an additional condition in respect of sewerage and acoustic barriers for generators. The Committee discussed whether it was reasonable to condition the site for a particular family, with officers stating the recommendation was the site was acceptable against policy regardless of who the occupier was. It was agreed an informative could be included on preferring the use of solar power.

At the conclusion of debate, it was,

Resolved:

To GRANT planning permission 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 No part of the development shall be first occupied, until the visibility splays shown on the approved plans have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety.

3 The site shall not be permanently occupied by persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for traveller sites (DCLG, 2015).

REASON: The site is in an area where residential development other than accommodation for Gypsy and Travellers is not normally permitted and must therefore be defined for use as a Gypsy and Traveller site only.

4 No more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, of which only one caravan shall be a static caravan, shall be stationed on each pitch at any time.

REASON: in order to define the terms of this permission and avoid proliferation of caravans at the site.

5 Contaminated water shall not be discharged into any stream, watercourse or underground strata, whether direct or via soakaways.

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

6 No controlled waste shall be burnt on site.

REASON: In order to minimise nuisance.

7 No external lighting shall be installed until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2011", have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

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

8 All soft landscaping comprised in the approved details shall be carried out in the first planting and seeding season. The hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock and if within a period of five years, if it should die, be 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.

9 No more than one commercial vehicle shall be kept on each of the three pitches for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight and no commercial activity or use, including the storage of materials and waste, shall be carried out on the site.

REASON: In the interests of residential amenity, highway safety and the character of the countryside.

10 No development shall commence on site until a scheme for the disposal of sewerage has been submitted to and approved in writing by the Local Planning Authority. No part of the site shall be first occupied until the approved scheme has been fully implemented in accordance with the approved details.

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

11 No development shall commence on site until a scheme (to include details of the siting and specification of equipment and/or machinery) for the delivery of electricity to the development has been submitted to, and approved in writing by, the local planning authority. Should the scheme include the use of diesel / petrol / other fuel powered electricity generators or other related noise-generating equipment, then it shall include details of the acoustic insulation of the equipment. No part of the development shall be first occupied until the approved scheme has been fully implemented in accordance with all the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner and to safeguard the amenities of the locality from potential noise disturbance.

INFORMATIVE: In addressing the above condition the applicant is encouraged to prioritise renewable energy systems in preference to diesel / petrol / other fuel powered systems, in the interests of the environment.

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

Site Location Plan - undated

21146/02A (Proposed Site Layout) - August 2021

21146/03 (Proposed Dayroom Plan and Elevations) - August 2021

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

83 **Urgent Items**

There were no urgent items.

(Duration of meeting: 10.30 am – 2.25 pm)

The Officer who has produced these minutes is Kieran Elliott of Democratic Services,
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