

AGENDA

Meeting: Strategic Planning Committee

Place: Council Chamber - Council Offices, Monkton Park, Chippenham,
SN15 1ER

Date: Wednesday 6 April 2022

Time: 10.30 am

Please direct any enquiries on this Agenda to Tara Shannon, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718352 or email tara.shannon@wiltshire.gov.uk

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

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Howard Greenman (Chairman)	Cllr Pip Ridout
Cllr Tony Trotman (Vice-Chairman)	Cllr James Sheppard
Cllr Ernie Clark	Cllr Elizabeth Threlfall
Cllr Adrian Foster	Cllr Robert Yuill
Cllr Sarah Gibson	
Cllr Carole King	
Cllr Christopher Newbury	

Substitutes:

Cllr Helen Belcher	Cllr Andrew Oliver
Cllr Clare Cape	Cllr Stewart Palmen
Cllr Ruth Hopkinson	Cllr Nic Puntis
Cllr George Jeans	Cllr Bridget Wayman
Cllr Dr Nick Murry	Cllr Graham Wright

Recording and Broadcasting Information

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

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and/or training purposes. The meeting may also be recorded by the press or members of the public.

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

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

Parking

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

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

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

Public Participation

Please see the agenda list on following pages for details of deadlines for submission of questions and statements for this meeting.

For extended details on meeting procedure, submission and scope of questions and other matters, please consult [Part 4 of the council's constitution](#).

The full constitution can be found at [this link](#).

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

AGENDA

Part I

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

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Minutes of the Previous Meeting** (*Pages 7 - 14*)

To approve and sign as a correct record the minutes of the meeting held on 23 February 2022.

3 **Declarations of Interest**

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

4 **Chairman's Announcements**

To receive any announcements through the Chair.

5 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

Members of the public who wish to submit a statement in relation to an item on this agenda should register with the officer named on this agenda no later than **5pm on Monday 4 April 2022**.

Submitted statements should:

State whom the statement is from (including if representing another person or organisation);

State clearly whether the statement is in objection to or support of the application;

Be readable aloud in approximately three minutes (for members of the public and statutory consultees) and in four minutes (for parish council representatives – 1 per parish council).

Up to three objectors and three supporters are normally allowed for each item on the agenda, plus statutory consultees and parish councils.

Those submitting statements would be expected to attend the meeting to read the statement themselves, or to provide a representative to read the statement on their behalf.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution which excludes, in particular,

questions on non-determined planning applications.

Those wishing to ask questions are required to give notice of any such questions electronically to the officer named on the front of this agenda no later than 5pm on 30 March 2022 in order to be guaranteed of a written response.

In order to receive a verbal response questions must be submitted no later than 5pm on 1 April 2022.

Please contact the officer named on the front of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent. Details of any questions received will be circulated to members prior to the meeting and made available at the meeting and on the Council's website. Questions and answers will normally be taken as read at the meeting.

6 **Planning Appeals and Updates** (*Pages 15 - 16*)

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

7 **Planning Applications**

To consider and determine the following planning applications.

7a **20/03528/FUL, Land Near Minety Substation, Minety, Wiltshire, SN16 9DX** (*Pages 17 - 54*)

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.

7b **PL/2021/03061, Agricultural fields west of Whaddon Farm, Whaddon Lane, Hilperton, Trowbridge, BA14 6NR** (*Pages 55 - 88*)

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.

7c **PL/2021/08566, Land West of Penn Farm, Capps Lane, Heywood, BA13 4NF** (*Pages 89 - 102*)

Provision of 3 gypsy and traveller pitches and associated works including day rooms, parking, turning, septic tank and landscaping.

8 **Urgent Items**

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

Part II

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

None

This page is intentionally left blank

Strategic Planning Committee

MINUTES OF THE STRATEGIC PLANNING COMMITTEE MEETING HELD ON 23 FEBRUARY 2022 AT COUNCIL CHAMBER - COUNTY HALL, TROWBRIDGE BA14 8JN.

Present:

Cllr Howard Greenman (Chairman), Cllr Tony Trotman (Vice-Chairman), Cllr Ernie Clark, Cllr Adrian Foster, Cllr Carole King, Cllr Christopher Newbury, Cllr Pip Ridout, Cllr James Sheppard, Cllr Elizabeth Threlfall and Cllr Stewart Palmen (Substitute)

65 **Apologies**

Apologies for absence were received from:

- Cllr Sarah Gibson, who was substituted by Cllr Stewart Palmen, and
- Cllr Robert Yuill.

66 **Minutes of the Previous Meeting**

The minutes of the meeting held on 12 January 2022 were presented for consideration, and it was,

Resolved:

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

67 **Declarations of Interest**

There were no declarations of interest.

68 **Chairman's Announcements**

There were no announcements.

69 **Public Participation**

The rules on public participation were noted.

70 **Planning Appeals and Updates**

There was no appeals report or updates.

71 **Planning Applications**

The following planning application was considered.

71a 21/01950/FUL - Land at Broadfield Farm, Broadfield Farm, Great Somerford, SN15 5EL

Public Participation

Helen Lennox spoke in objection to the application

Christopher Blount spoke in objection to the application.

Peter Rawlinson, (applicant) spoke in support of the application.

Cllr Mark Hammond of Great Somerford Parish Council spoke in objection to the application.

Andrew Guest, Head of Development Management presented a report which recommended that authority be delegated to the Head of Development Management to grant planning permission with conditions, subject to a s106 agreement for the development of 21 residential dwellings, vehicular access from Broadfield farm, ancillary works and associated infrastructure.

The officer referred attendees to the detailed report within the agenda which would be taken as read. The officer explained that the site was adjacent to but located outside of the settlement boundary of the large village of Great Somerford in the open countryside in planning terms and therefore conflicted with Wiltshire Council Core Policies.

The officer referred to the fact that the Planning Authority could not demonstrate a five year housing land supply. The Council was now only able to demonstrate a housing land supply of 4.41 years. The Wiltshire Core Strategy was over five years old meaning that housing need was assessed at a unitary level. It was explained that the National Planning and Policy Framework (NPPF) at paragraph 11 stated:

“...where the local planning authority cannot demonstrate a five year supply of deliverable sites (with the appropriate buffer) ...” then “policies which are most important for determining the application are out of date”, and permission should be granted unless:

- i) There is a clear reason for refusal due to protection policies as listed in footnote 6 e.g. Green Belt; Local Green Space; Area of Outstanding Natural Beauty; designated heritage assets; or
- ii) Any adverse impacts would significantly and demonstrably outweigh the benefits

This was sometimes referred to as the ‘tilted balance’ affecting the weighting awarded to policies. For this site the officer stated that in planning terms there were no designated assets of particular importance such as AONB or a site of special scientific interest and that there were no adverse impacts that demonstrably outweighed the benefits. It was further explained that the Great

Somerford Neighbourhood Plan was over 2 years old, so under paragraphs 11 and 14 of the NPPF now carried less weight.

The officer detailed a recent appeal decision, which was upheld by the [Planning Inspectorate](#) regarding an application in Filands Road, Malmesbury due to the lack of a five year land supply. Other appeals which had been upheld at Westbury and Worton were also cited. It was stated that the situation had not changed since those decisions, hence the recommendation for approval subject to a section 106 agreement.

Members of the Committee then had the opportunity to ask technical questions of the officer. Issues raised included demonstrable harm, developing on grade 1 agricultural land, piecemeal development of small plots, why an application for 21 houses was being considered by the Strategic Planning Committee, the s106 funding for secondary schools and the play area, social housing, the height of the 2 story houses, sustainability of the development and the designation of Great Somerford as a large village.

In response the officer explained that the fact the site was on grade 1 agricultural land should be given weight. However, the officer felt that as it was a small parcel of land the weight was limited and not sufficient to justify a reason for refusal. However, it was up to the Committee to decide on weightings. A previous appeals case on grade 1 agricultural land had been dismissed, but that had been when the Council could demonstrate a five year land supply. Furthermore, only part of the site was grade 1 agricultural land. Regarding other impacts the officer stated that although the conservation officer had raised an objection the harm was considered neutral.

Regarding piecemeal development the officer stated that the development was not incremental, and this was the first take on that land.

It was explained that the application was being considered by the Strategic Planning Committee because the proposal was contrary to the development plan and strategy, was considered a major application as it was over 10 units and due to the lack of housing land supply.

In response to a query regarding the amount of s106 money allocated to secondary schools (£91,000), the location of the school and possible sustainability issues this could raise, the officer explained that there were standard calculations to work out figures such as these. The unitary decision Member stated that the secondary school was located in Malmesbury, which was approximately 3 miles away, along country lanes. It was beyond walking distance and there was not public transport available. Related to this was the amount of money allocated to the play area (£18,000), which Members stated had only recently been refurbished and was not large enough to take further new equipment, likewise there were also no sports pitches in the village which could have funds allocated to them. The officer explained that the public open space team had set the figures and he could not comment on how or when the funds would be used, but they would be set aside for those purposes.

The officer explained that 2 storey houses usually had a gable height of approximately 7 metres and that the site density was to modern standards where one had to make the most efficient use of the land.

In response to further queries the officer stated that the grouping of social housing and open market housing met policy requirements, for smaller sites such as these they were grouped together for management purposes.

In response to further sustainability queries the officer explained that the adjacent site had been employment land, which was allocated in the Neighbourhood Plan for housing which was now being constructed. Members questioned the sustainability of this application due to the lack of places to work within the village now that the adjacent employment land was being developed and mentioned the irony that the village had attained the large village designation due to industry which had previously been on the adjacent site. The officer stated that as Great Somerford was designated as a large village it was presumed there was a degree of sustainability. The designation of Great Somerford as a large village was not something the Committee had power to change, designation was part of the local plan process.

It was confirmed that if approved these 21 houses would count towards housing land supply figures. The officer also confirmed that without the demonstrable lack of a five year housing land supply, officers would have been unlikely to recommend approval for this application as it went against policy, but, due to the lack of a five year housing land supply tilted balance came into play changing the weighting of arguments.

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

The unitary division member, Cllr Elizabeth Threlfall, spoke in objection to the application. Comments included that the officer report was commendable, thorough and detailed all the policies which the application conflicted with, so the recommendation for approval was surprising. It was up to the Committee to decide where the balance lay. Issues the Member had with the application included that the site was greenfield and on grade 1 agricultural land, it was outside the settlement boundary and contrary to CP1 and CP2, the proposal was 2 storey of a template design that was unsympathetic to the village and the objection of the Conservation officer had been disregarded. The Member felt that piecemeal development was taking place in the village and that this was phase 2, not a separate development to the adjacent plot. There was little employment and few facilities in the village, making the development unsustainable and contrary to CP1 and CP60. The Member did not believe the benefits listed in the report outweighed the risks and felt that this application was different to those which lost at appeal. Regarding the five year housing land supply, the figures were out of date and Wiltshire Council had been working to address the shortfall. The local Neighbourhood Plan was delivering over and above the housing required for the local area and had required a tremendous amount of work by the Parish Council to develop. The NPPF planning system

should be plan led and therefore the Member felt that the application should not be permitted.

The Chairman thanked Members for their questions and the committee report author for a detailed and well constructed report. The Chairman highlighted the issues faced by the Committee regarding the lack of a five year housing land supply, the pressure this placed on them and the difficulty in making decisions without accurate figures. He felt that the latest housing land supply figure was more like 4.62. The Chairman thanked the public for their informative statements detailing local opinion. The Chairman highlighted that the application was outside the settlement boundary, not allocated in the Neighbourhood Plan, was on grade 1 agricultural land and had no benefits that he could see. He felt that one could not encourage parishes to develop Neighbourhood Plans to then ignore them. He agreed that there was a tilted balance, but in this case he felt it was in favour of refusal.

Therefore, the Chairman proposed a motion that the application be refused for the reasons stated above and due to confliction with WCS CP1, 2 and 13. This was seconded by Cllr Pip Ridout.

A debate followed where Members stated that they were impressed by both the public speakers and Cllr Threlfall's speech. Many Members felt that the committee report detailed all the reasons for refusal, only to then unexpectedly recommend approval due to the tilted balance. However, most were of the opinion that the planning harm completely outweighed the benefits. Further possible reasons for refusal were cited as CP3, 51, 57, 60, 61, NPPF 174 and H4 of the North Wilts Plan. Further comments included that the affordable housing was not affordable by any normal person's definition and that the point raised by the public about the harm caused to local democracy by the tilted balance and disregarding Neighbourhood Plans was extremely valid. Other points raised by Members included that the site was on grade 1 agricultural land, that the development was not sustainable, that the Committee should be consistent and that the proposal did not fit with the village.

The Chairman stated that issues with the current system and having to demonstrate a five year housing land supply were being taken up by the Leader of Wiltshire Council, the local MP and the Local Government Association with Michael Gove (Secretary of State for Levelling Up, Housing and Communities).

Further points raised included that when refusing an application against officer recommendation the Committee needed to think how this would be defended at appeal. In response the Chairman confirmed that if the application was refused and went to appeal, he would be happy to go to the appeal to defend the decision. Members also highlighted that there was a backlog of appeals and if this application was refused and went to appeal, there might by that time be a demonstrable five year housing land supply, they stated that it was critical that updated figures were received as soon as possible.

One Member felt that due to the lack of five year housing land supply and the difficulty of defending refusal at appeal that the application should be approved, subject to s106.

The Chairman and his seconder accepted all the reasons for refusal raised in debate as friendly amendments to the motion.

At the conclusion of the debate it was;

Resolved:

That planning permission be refused.

REASONS:

- 1. The application site lies outside of the settlement boundary for Great Somerford and so is in open countryside, and it has not been allocated for residential development within the Wiltshire Core Strategy (January 2015), the Wiltshire Housing Sites Allocation Plan (February 2020) or the Great Somerford Neighbourhood Plan (2017). The development fails to meet any of the special circumstances for the creation of additional residential development as listed under Paragraph 4.25 of the Wiltshire Core Strategy. Therefore, the proposal is contrary to Core Policies 1, 2, and 13 of the Wiltshire Core Strategy, Saved Policy H4 of the North Wiltshire Local Plan and the Great Somerford Neighbourhood Plan. The proposal is in conflict with the development plan taken as a whole. As such, the proposal fails to constitute and secure sustainable development as required by the NPPF, specifically paragraphs 2, 7, 8, 9, 10, 11, 12, 13, 15 and 47, and is contrary to the development strategy of the development plan. In accordance with paragraph 11d (ii) of the NPPF the benefits of the proposal have been fully considered but the adverse impacts would significantly and demonstrably outweigh those benefits, when assessed against the policies in the NPPF taken as a whole.**
- 2. The application site is located in an area where there are limited local community facilities (such as shops and leisure facilities), limited local employment opportunities, and limited access to public transport. The proposed development would, therefore, not reduce the need to travel, particularly by private car, and so not comply with this basic principle of sustainability. This is contrary to Core Policies 60 and 61 of the Wiltshire Core Strategy (2015).**
- 3. The proposal would result in the urbanisation of this rural site in this prominent and open position which would result in harm to the local character, appearance and visual amenity of the immediate area. The proposal would also result in the loss of high grade agricultural land. The proposal would therefore fail to accord with Wiltshire Core Strategy (2015) Core Policies 51 (points i, ii, iii, iv)**

and 57 (points i, iii), as well as paragraphs, 8, 124 130 and 174b of the NPPF.

4. The proposed development does not make any provisions for securing affordable housing on the site; financial contributions towards education provision, public open space and play equipment and the on-going maintenance, and waste and recycling facilities. The application is therefore contrary to Core Policies 3, 43, 45 and 52 of the Wiltshire Core Strategy (2015) and paragraphs 8, 34, 55, 56, 64 and 92 of the NPPF.

INFORMATIVE: Reason for Refusal 4 is potentially capable of being addressed through the completion of a planning obligation / S106 'agreement'.

72 Urgent Items

There were no urgent items.

(Duration of meeting: 10.30 am - 12.30 pm)

The Officer who has produced these minutes is Tara Shannon of Democratic Services, direct line 01225 718352, e-mail tara.shannon@wiltshire.gov.uk

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

This page is intentionally left blank

**Wiltshire Council
Strategic Planning Committee
6th April 2022**

Planning Appeals Received between 02/07/2021 and 25/03/2022 relating to Decisions made at Strategic Committee

Application No	Site Location	Parish	Proposal	DEL or COMM	Appeal Type	Officer Recommend	Appeal Start Date	Overturn at Cttee
19/05898/OUT	Land off Park Road Malmesbury SN16 0QW	Malmesbury	Outline application for up to 50 residential units, internal road, parking, open space and associated works, with all matters reserved other than access.	SPC	Inquiry	Refuse	01/03/2022	Yes
20/08341/OUT	Land South West of Park Road Malmesbury Wiltshire	Malmesbury	Outline Planning Application (with all matters except access reserved) for up to 26 Dwellings, Public Open Space, Landscaping and Associated Engineering Works	SPC	Inquiry	Refuse	01/03/2022	Yes

There are no Planning Appeals Decided between 02/07/2021 and 25/03/2022 relating to Decisions made at Strategic Committee

This page is intentionally left blank

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	06 April 2022
Application Number	20/03528/FUL
Site Address	Land Near Minety Substation, Minety, Wiltshire, SN16 9DX
Proposal	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.
Applicant	JBM Solar Projects 14 Ltd
Town/Parish Council	CHARLTON AND HANKERTON
Electoral Division	Brinkworth – Councillor Elizabeth Threlfall
Grid Ref	400081 189923
Type of application	Full Planning Permission
Case Officer	Lee Burman

Reason for the application being considered by Committee

The application seeks planning permission for large-scale major development (where the site area is more than 2 hectares) which, by its nature, has wider strategic implications and raises issues of more than local importance. It was called-in by the former Division Member Toby Sturgis. It has also been called-in by the neighbouring Division Member Councillor Chuck Berry because of the scale of the development, visual impact on the surrounding area and design; also the substantial level of representations made both in objection and support.

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation to grant planning permission subject to conditions.

2. Report Summary

The application has been the subject of consultation and publicity, including press notice, neighbour notification, publication on the Council's website and the display of site notices. Representations have been received from 193 people; 113 supporting and 80 objecting to the proposed development.

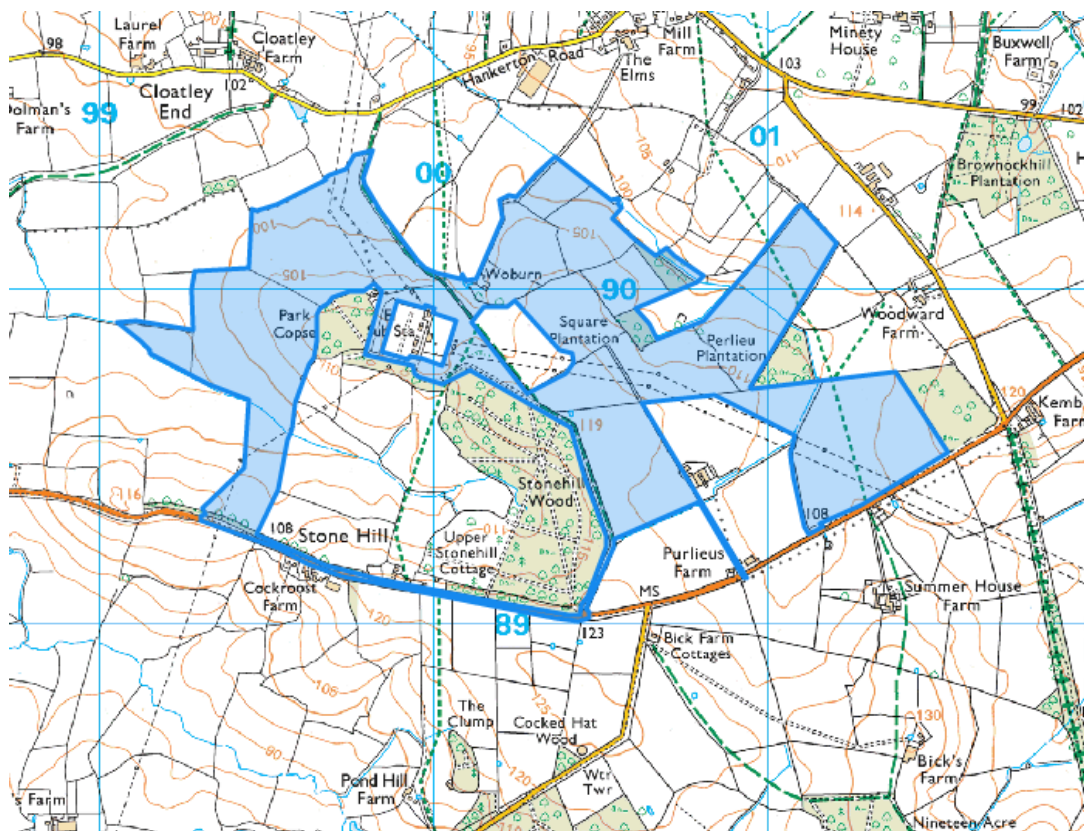
While Charlton Parish Council has no objection subject to conditions, Hankerton and Minety Parish Councils object to the proposed development.

The main issues for consideration are:

- Whether the proposal is acceptable in principle;
- Whether the proposal would result in the loss of agricultural land;
- Whether the proposal would be harmful in terms of its landscape and visual impact;
- Whether the scheme would give rise to an adverse impact on residential amenity;
- Whether the proposal would have an adverse impact upon highway safety or public rights of way;
- Whether the scheme would cause harm to protected species and/or their habitats;
- Whether the proposal would result in the loss of trees and ancient woodland;
- Whether the scheme would cause harm to areas of archaeological interest or to heritage assets; and
- Whether the proposal would result in any other adverse environmental impacts.

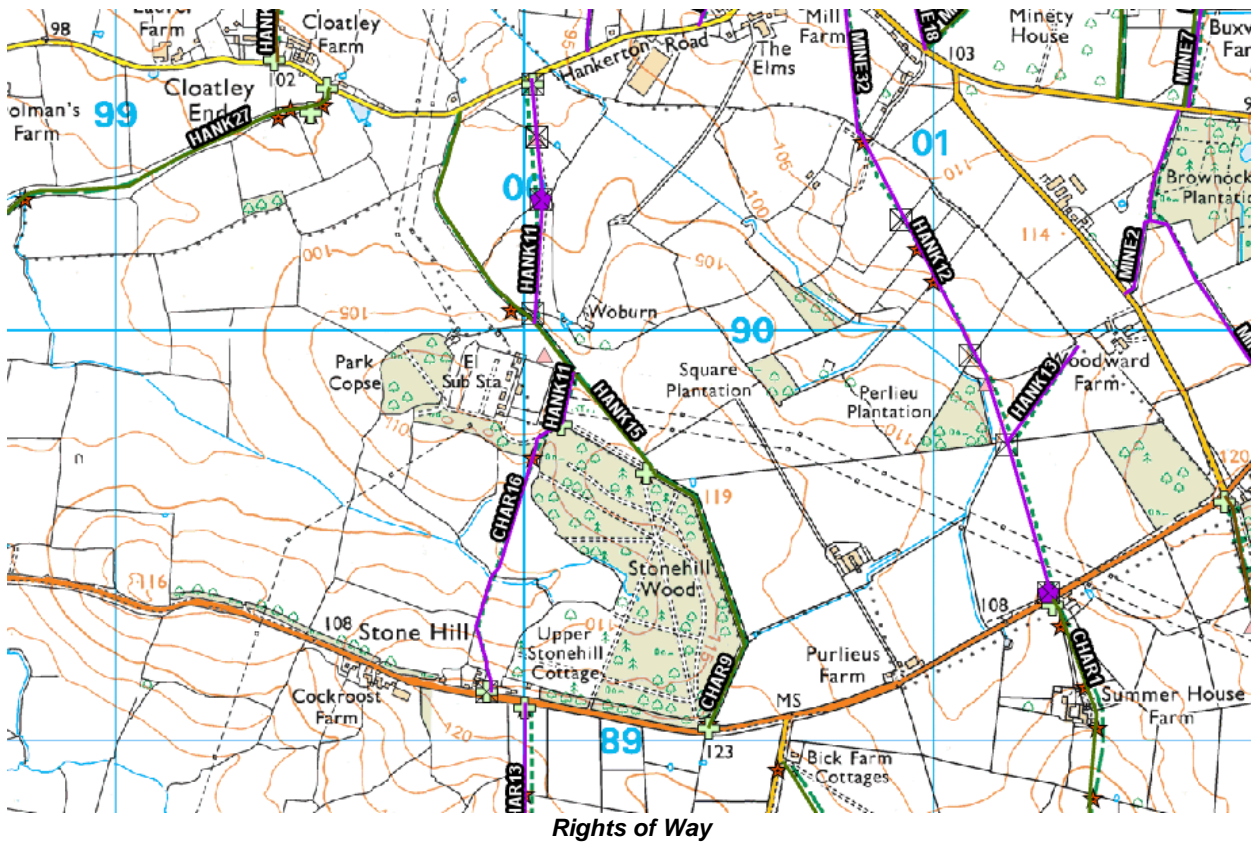
3. Site Description

The site is located on the north side of the B4040 and is split into two landholdings, either side of the existing National Grid Minety sub-station. The site extends to approximately 110 hectares and comprises a collection of average size fields enclosed by trees, hedges and woodland. Access to the sub-station is via a 1.1 km private road from the B4040, and there are two existing site entrances to the south-west and south-east.



Application site – shaded blue

The land in this area is undulating and there are three public rights of way crossing the site (footpaths HANK11 & HANK12 and bridleway HANK15/CHAR9).



The site borders Stonehill Wood and Park Copse, which are both designated as County Wildlife Sites and ancient woodland. The site also borders Cloatley Farm SSSI and Emmett Hill Meadows SSSI to the north and north-east respectively. There is a large number of protected species records in this area, which includes various species of bats.

The site is in an area of archaeological potential and the closest listed building is the Milestone on Minety Road which is Grade II listed. There are also two Grade II listed buildings situated to the north (Dolman's Farmhouse and Cloatley End Farm).

The site lies in Flood Zone 1 on the Environment Agency's Flood Map for Planning, where there is a low risk of flooding. The majority of the site is at low risk of surface water flooding in the 1 in 100-year design scenario, with some localised streaming.

4. Relevant Planning History

17/03936/FUL – Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track. Approved subject to conditions – 20 July 2017

17/03941/FUL – Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track. Approved subject to conditions – 19 July 2017

17/05526/FUL – Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV, landscaping and substation. Approved subject to conditions – 21 September 2017

18/04654/VAR – Variation of conditions 2, 7, 8 and 9 (amendment of approved plans) pursuant to planning application 17/05526/FUL) Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV and landscaping. Approved subject to conditions – 17 July 2018

18/04718/FUL – Energy Storage System, Comprising Battery Storage Containers, Ancillary Buildings, Security Fencing, CCTV and Landscaping. Approved subject to conditions – 19 July 2018

19/11460/FUL – Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV and landscaping. Approved subject to conditions – 6 February 2020

PL/2021/04151 – Construction of a 2 hour duration containerised Battery Storage Facility with the ability to store and export up to 49.99 MW of electricity. The development will comprise 58 single storey steel cabins, known as E - Houses which are 12m long, 2.4m wide and 2.9m high, which house banks of lithium-ion batteries. 12 MV Blocks, also known as the transformers and control gear sit alongside E - Houses. The compound is protected with a 2.5 m high steel mesh fence. The proposed development would replace the approved Minety North substation (Minety North, 17/03936/FUL). Approved subject to conditions – 4 November 2021

PL/2021/09101 – Variation of conditions 2 and 10 for application 17/03941/FUL – Development of a 49.99 MW Battery Storage Facility with associated ancillary equipment, providing services to National Grid, formation of access track. Awaiting determination

20/01791/SCR – Request for a Screening Opinion, under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), for the provision of a 49.9MW solar farm occupying c. 74 ha of land adjacent to Minety Substation, Wiltshire, SN16 9DX. Application withdrawn – 4 May 2020.

20/07390/FUL - Installation of a battery storage facility and ancillary development on land adjacent to National Grid's Minety Substation. Approved subject to conditions – 25 January 2021 (Relates to adjoining land)

5. The Proposal

Full planning permission is sought for the provision of a renewable energy scheme comprising ground mounted photovoltaics with ancillary equipment including provision for battery storage on land near Minety sub-station. The ground mounted solar park and battery storage compound would have a maximum design capacity of up to 50 megawatts (MW). Both the solar and battery elements would have an operational lifespan of 40 years.

The point of connection to the electricity grid would be at the adjoining Minety sub-station.

The solar PV panels would be fixed to metal frames, laid out in rows across the site in an east/west orientation and face to the south at between 15 and 35 degrees from the horizontal. The maximum top height of the solar panels would be 3 metres and the minimum standard height of the lowest part would be 0.8 metres, except in identified flood risk areas where the minimum

height would be 1.3 metres. Stock proof fencing would be erected, and a CCTV system would be mounted on poles at intervals along the inside edge of the fencing.

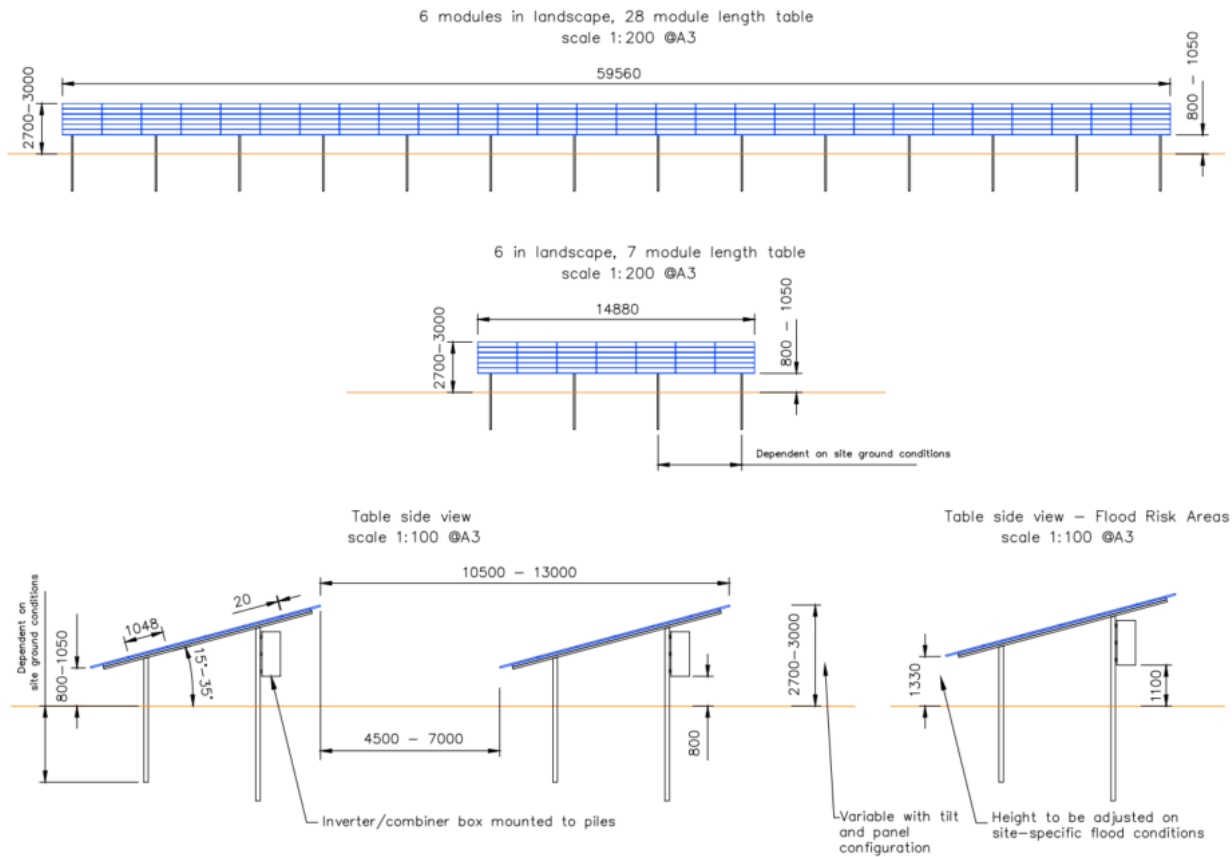


Site Layout

The battery compound would be located to the east of the National Grid sub-station. It would comprise 12 containerised battery units (measuring 12.5m by 2.7m and 2.6m in height) and 4 ancillary cabinets (measuring 6.4m by 3.5m and 3.1m in height).

The proposed central point of access is via the T-junction that serves the existing Minety sub-station. The various field enclosures would be linked by internal access tracks of permeable construction.

The application contains a comprehensive set of plans, drawings and documents, including an Environmental Statement.



Typical PV table details

6. Planning Policy

Wiltshire Core Strategy Adopted January 2015 (WCS)

Core Policy 1 – Settlement Strategy

Core Policy 2 – Delivery Strategy

Core Policy 13 – Spatial Strategy: Malmesbury Community Area

Core Policy 42 – Standalone renewable energy installations

Core Policy 50 – Biodiversity and geodiversity

Core Policy 51 – Landscape

Core Policy 52 – Green Infrastructure

Core Policy 57 – Ensuring high quality design and place shaping

Core Policy 58 – Ensuring the conservation of the historic environment

Core Policy 60 – Sustainable transport

Core Policy 61 – Transport and new development

Core Policy 62 – Development impacts on the transport network

Core Policy 67 – Flood Risk

North Wiltshire Local Plan 2011 (Saved Policies)

NE12 Woodland

NE14 Trees and the control of new development

NE18 Noise and pollution

National Planning Policy Framework 2021 (NPPF)

Achieving sustainable development (Paragraphs 7-12)

Decision-making (Paragraphs 38 & 47)

Achieving well-designed places (Paragraph 130 a) to c))
Meeting the challenge of climate change... (Paragraphs 152-158)
Conserving and enhancing the natural environment (Paragraphs 174, 180 & 185)
Conserving and enhancing the historic environment (Paragraphs 194, 195, 197 & 199-202)

National Planning Practice Guidance (NPPG)

Renewable and Low Carbon Energy (updated/published 18 June 2015).

Other Guidance

Planning guidance for the development of large scale ground mounted solar PV systems, BRE, October 2013.

7. Consultations

The application has been subject to three formal periods of consultation and publicity; the latter periods due to the receipt of amended plans, drawings and documents. The most recent response from each consultee is summarised below. The date of the response is given in brackets.

National Grid – No objection

“National Grid has no objections to the above proposal which is in close proximity to a High Voltage Transmission Overhead Line – Overhead Electricity Line, Electricity Substation Site, Electricity Tower.” (17/09/2021)

Environment Agency – No objection raised either during or after any of the consultation periods.

Wiltshire Council Highways – No objection subject to conditions

Conditions recommended to deal with:

1. The submission and approval of a detailed Construction Traffic Management Plan following the appointment of a contractor and its implementation throughout the construction period;
2. The construction of the western access; and
3. The provision and retention of specified visibility splays for both the main access and the western access.

Informatives recommended to deal with:

1. Works affecting any public right of way; and
2. The need for a licence or agreement before any works are carried out within the public highway. (04/06/2020)

“Previous highways comments are still applicable along with conditions and informatives.” (09/08/2021)

Wiltshire Council Public Rights of Way – No objection

As the access adjacent to bridleway HANK15 has already been constructed and commented on under planning application PL/2021/04151 there is no objection subject to there being no changes to the current layout as built. Requested the use of informatives to prevent the obstruction of any public right of way. (19/08/2021)

Wiltshire Council Drainage Engineer – No objection subject to conditions

Three pre-commencement conditions are recommended to deal with:

1. Infiltration testing and soakaway design;
2. Drainage arrangements during the construction phase; and
3. The discharge of surface water from the site. (01/09/2021)

Wiltshire Council Landscape Officer – No objection subject to conditions

No objection to this scheme subject to the use of suitably worded planning conditions requiring:

1. Implementation of the approved landscaping scheme (Landscape Masterplan P19-2270_13 Rev. J) within an agreed time period;
2. Management of the approved landscaping scheme; and
3. The submission, approval and subsequent implementation of a decommissioning and land restoration scheme within an agreed time period. (06/10/2021)

Historic England – No objection
(14/07/2021)

Wiltshire Council Conservation Officer – No objection
(07/07/2021)

Wiltshire Council Archaeology – No objection

All of the archaeological evaluation is completed and there is no requirement for further work by condition. (26/07/2021)

Wiltshire Council Arboricultural Officer – No objection

Support subject to conditions that require implementation of an arboricultural method statement and the protection of trees in accordance with the submitted Arboricultural Impact Assessment dated June 2021. (27/07/2021)

Wiltshire Council Environmental Health Officer – No objection

Conditions recommended, which require the submission and approval of a Construction and Environmental Management Plan, details of external lighting, measures to be taken in the event that contaminated land is encountered, and to control noise. (22/05/2020 & 15/07/2021)

Natural England – No objection subject to securing mitigation

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. (22/07/2020)

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. (16/07/2021)

Wiltshire Council Ecology – No objection subject to conditions which include securing further information

1. Bats and Lighting – Suitably worded planning conditions can be used to secure further details of the proposed external lighting, to control its use and ensure no light spill onto

retained habitats. A condition requiring the submission, approval and implementation of a detailed Construction Environmental Management Plan will also be required.

2. Ecological Mitigation Plan – A suitably worded planning condition can be used to secure a final version of the Biodiversity Mitigation and Enhancement Plan. (20/01/2022)

Wiltshire Council Building Control

The structures would be exempt under Building Regulations as they are not frequented by people.

Charlton Parish Council – No objection subject to conditions

Supports the drive to develop energy from renewable sources. However, the proposal will necessitate damage to existing hedgerows and work will need to be carried out within a restricted timeframe to avoid damage to nest sites during the breeding period. A detailed plan is needed to explain how the environmental impact of the work will be managed. A more detailed plan is also needed to show how the site will be managed for wildlife and biodiversity during the operation of the solar farm. The Parish Council expressed concern about traffic during the construction phase too and requested that deliveries through Charlton be prohibited on Saturdays, through a planning condition. (04/06/2020). No change to previous position or comments. (27/07/2021)

Hankerton and Minety Parish Councils – Object to the proposal in the strongest possible terms.

A joint response was made by Hankerton and Minety Parish Councils. Their main planning concerns are summarised as follows:

- Practically and commercially viable sites for large-scale solar have been identified by Wiltshire Council and should be prioritised;
- Siting an industrial development of such size and scale as proposed is not an effective use of the land, contrary to the NPPF and the NPPG;
- Failure by the applicant to give any, or any proper, consideration to viable alternative sites;
- Unacceptable adverse impact on landscape and visual amenity;
- Cumulative impact, including failure by the applicant to give proper consideration of cumulative impacts; and
- Unacceptable environmental, human and wildlife hazard given the battery storage chemistry as well as the multiple battery energy storage system (BESS) facilities already operational or permitted at or around the site.

Other matters raised by the two parish councils include:

- Community engagement falls short of best practice;
- A lack of Council policy regarding this type of development; clarity and structure are required so that the planning process can properly cater for large solar farm developments more coherently;
- Council owned sites identified by the Report of the Global Warming & Climate Emergency Task Group (Parts One and Two – dated 29 September 2020 and 13 January 2021) should be prioritised;
- Conflict with the management objectives and strategies contained in the landscape character assessments (2004 and 2005);
- The narrow scope of the cumulative assessment in the Environmental Statement that omits the Five Lanes and Kemble Wick developments, which are within 4 to 5 miles of the site;
- The Flood Risk Assessment lacks empirical study, and its rigour and accuracy are questionable;

- The Council should consider the relative performance of solar as a renewable energy technology to assess whether it represents an effective use of land; it is submitted that the actual, not theoretical, output is a relevant consideration when assessing whether agricultural land should be taken out of production; and
- The use of Lithium-ion and potential for the development to increase environmental hazards/fire, with no objective risk assessment having been carried out. (16/08/2021)

8. Publicity

As a result of publicity, representations have been received from 193 people; 113 supporting and 80 objecting to the proposed development.

The main comments expressed in support of the proposal are:

- It will make efficient use of poor-quality agricultural land;
- Ideal location close to the sub-station with its own private access;
- It is well screened from view;
- Solar panels are not a permanent fixture;
- Quick to construct, which means less disruption, and can generate sooner;
- Once decommissioned the land can be restored to agricultural use;
- The solar panels and infrastructure can be easily recycled;
- It will complement the other solar farms;
- This area (Wiltshire) should contribute to an increase in the amount of green energy;
- It will help meet environmental objectives;
- Solar panels are better than wind turbines or biofuels with potentially less of an impact on the countryside;
- The area could still offer valuable habitat to wildlife;
- Wildflower meadows/grassland beneath the panels is an exciting opportunity, but request the use of local seed rather than imported;
- The proposal increases biodiversity and sheep can still graze under the panels;
- Significant biodiversity net gain through wildflower meadows across the site, tree and hedge planting, enhancing soil quality by leaving the land fallow and boosting carbon sequestration;
- It will make a major contribution towards Wiltshire's net zero target/carbon reduction strategy;
- Renewable energy projects are essential to avoid catastrophic climate change;
- It will generate enough low-cost power for the equivalent of over 13,800 homes and save over 20,000 tonnes of carbon emissions each year; and
- It will provide local employment and a boost for the local economy.

The main comments expressed against the proposal are:

- Inadequate [pre-application] consultation with the local community (partly due to Covid19);
- Concern that a full Environmental Impact Assessment has not been carried out;
- Insufficient electricity demand in the locality to justify generation on this scale;
- The size and scale of the proposed development is excessive and inappropriate in a rural location;
- On the threshold of being deemed a Nationally Significant Infrastructure Development;
- Will change the character of the area;
- Industrialisation of farmland;
- Loss of land required for agriculture;

- There are houses and businesses that could take solar roof panels instead;
- There are more suitable brownfield sites;
- Visual impact – the solar panels would be an eyesore, a blot on the landscape;
- Loss of property value (*this is not a material planning consideration and cannot be taken into account in the determination of the application*);
- Loss of attractive rural outlook (*this is not a material planning consideration and cannot be taken into account in the determination of the application*);
- Glare from solar panels;
- Natural screening will be inadequate to conceal the development;
- Damage to the beauty of the countryside;
- Adverse impact on the character of the landscape;
- Inappropriate methodology used to assess the landscape impact;
- An independent Landscape and Visual Impact Assessment should be commissioned;
- Contrary to Core Policy 51 Landscape;
- An ecological disaster;
- Harm to wildlife and protected species;
- Inadequate bat survey;
- Inadequate ecology report;
- Effect on rare species of butterfly and nesting birds;
- The proposed fencing will prevent access to the site by animals;
- Negative impact on adjacent nature reserve, SSSI and mature woodland;
- Fragmentation and loss of wildlife habitat;
- Drainage would be impaired;
- Increased risk of flooding;
- Impact on the public rights of way and the enjoyment of those who use them;
- Concern about the cumulative impacts (including highway impact) with other sites being developed for energy infrastructure;
- Impact on archaeology;
- Concern about noise generated by the proposal;
- Does not meet the criteria in Core Policy 42 - Standalone renewable energy installations;
- Questionable benefits as a climate change mitigation measure when the carbon footprint of manufacturing, transporting, installing and then decommissioning such a large number of solar panels is considered;
- The output of the panels would only be a third of the capacity of the storage batteries;
- The amount and type of waste that will be produced when the panels and batteries reach the end of their lifespan;
- Concern about the decommissioning phase and how this could be achieved in an environmentally friendly way;
- Would involve the use of hazardous materials and result in pollution;
- Risk of fire and explosions;
- No financial contribution to the community is offered by the developer to mitigate the effects of development.

Representations were also received from the following parties:

Biddestone Parish Council – Support

It recognises the urgency of the UK moving towards 100% renewable energy generation to address the climate emergency and considers that large scale solar is an essential part of this. It is reassured by the developer's plans to mitigate the visual impact of the site and to deliver net biodiversity gain. It urges the Council to develop a comprehensive plan for renewable energy generation. (06/08/2021)

Oaksey Parish Council – Object

It considers that there needs to be a reasonable balance in the development of low carbon electricity production and the impact that the installations will have on the amenity and functioning of the countryside. The Parish Council considers that the application does not achieve that balance and that its scale is disproportionate to the local benefits that will result.

It objects to the visual impact on local residences as a result of the site's elevated position and the damage to a [SSSI] and other wildlife.

The proposed development is in conflict with Wiltshire's development plan. (01/06/2020)

No further comments to the objections made previously. (12/07/2021)

National Farmers Union – Support

The application would allow their member to diversify the existing business to produce solar energy. This would help to diversify income streams and would make the existing business more resilient to change while also contributing to national targets for clean growth and reduction of greenhouse gas emissions. (23/07/2020)

CPRE – Objection

The proposal would not create just a standalone area of commercialised land in the countryside but would vastly extend an already large, industrialised area. The CPRE's judgements of the landscape impact and visual impact of the proposed development sharply differ from those of the consultants retained by the applicant. There is no special need for the proposed development to be on the chosen site. The Government's planning guidance emphasises that the need for renewable or low carbon energy does not automatically override environmental protections. The CPRE believes environmental protection of this area of North-west Wiltshire should take precedence in judgement of this application. (28/06/2021)

Wiltshire Wildlife Trust – Further information requested

The habitats on site provide opportunities for ground nesting birds and the local area remains one of the few places in the country where curlew still nest. Breeding bird surveys and an assessment of the impact on these species were sought. (04/06/2020)

Wiltshire Climate Alliance – Support

Support the application because:

- Solar farms are an essential part of the UK's solution to climate change;
- The site would generate enough low-cost power for the equivalent of over 13,800 homes and save over 20,000 tonnes of carbon emissions each year;
- The proposal would result in net biodiversity gain;
- It is a temporary development, and the solar panels and infrastructure can be easily recycled; and
- The developers have taken steps to minimise its visual impact. (23/07/2021)

Minety Solar Farm Action Group – Object

A petition objecting to the proposal has attracted over 210 signatures. The proposal is a commercial venture veiled under the guise of the 'green agenda'. There has been no meaningful community engagement and there would be no community benefit associated with the proposal. It represents an attempt to leverage existing planning applications and cluster development around the Minety sub-station for maximum practical and private financial gain at the expense of recognised landscape character, local amenity and community interests.

Given the number of solar and battery storage developments in Wiltshire, the Council should formulate a specific policy for large-scale solar farms. A cumulative assessment of the entire site and associated infrastructure should be conducted. This is important from an environmental and fire safety perspective.

The Council should ascertain the extent to which any arrangements or understandings exist between different owners, developers and/or operators of infrastructure sited in the same vicinity to prevent creeping intensification of use.

The main points of view expressed by the Group are:

- The need for renewable energy does not automatically override environmental protections and the planning concerns of local communities.
- The siting and scale of the proposal is inappropriate for this site as Government guidance states that an 'effective' use of land contemplates large-scale solar farms being focused on previously developed, non-agricultural land.
- The presumption in favour of sustainable development does not mean that legitimate considerations should be bypassed. The proposal does not satisfy the NPPF decision-making criterion for sustainable development;
- The site is an undulating landscape, and large-scale solar farms can have a negative impact on the rural environment in this context.
- Negative impact on landscape character. The proposal would not conserve and enhance the Braydon Forest area and would therefore conflict with Policy NE12 of the North Wiltshire Local Plan.
- It would not contribute to landscape enhancement. Due to its size and scale, it is opposite to the 'small-scale incremental' change and 'small-scale development' recognised for the area by the landscape character assessments of 2004 and 2005.
- The cumulative impact of the proposal has not been properly assessed; the 'prominent development' test in Core Policy 51 has not been referenced; the Core Policies relevant to the development have not been adequately addressed and the North Wiltshire Local Plan is erroneously presented with references to policies NE15 and NE16 which no longer apply.
- The photomontage fails to show that the site's higher ground would become a black landscape in summer, and that mitigation in the form of planting would be significantly reduced from late autumn to early spring when there are no leaves. (The Group provided photographs to show visibility of the site from the wider area.)
- Inadequate attention to drainage and failure to properly address flood risk.
- Increased flood risk.
- Visual and other amenity impact on footpaths and bridleways.
- Harm to protected species. The security fencing proposed would impede the access of wildlife in and around the area, which would be incompatible with the conservation priorities in Wiltshire's Biodiversity Action Plan for the Braydon Forest Area 2012.
- The winter bird survey was conducted at a sub-optimal time. The wintering bird survey recommends a further survey visit, but there is no indication whether this recommendation will be acted upon.

- No survey or assessment of the proposal's impact on ground-nesting birds has been conducted.
- Lack of eDNA surveys for Great Crested Newts.
- Concerns about the quality and accuracy of information submitted in support of the application.
- Lack of meaningful community engagement. It falls short of the best practice standard set out by the Solar Farm Association.
- Concern about the Applicant's experience of operating similar developments in the UK, as well as the deficiencies in their response regarding battery technology and the potential fire hazards. Requested that the Council formally consult with appropriately qualified personnel about the health and safety implications of the proposal.
- A refusal of the application would not have any meaningful impact on Wiltshire's contribution to tackling climate change.
(28/07/2020, 02/11/2020, 09/12/2020 & 18/05/2021)

9. Planning Considerations

a) Environmental Impact Assessment

On 28 February 2020, the applicant requested a Screening Opinion, under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), for the provision of a 49.9MW solar farm occupying c. 74 ha of land adjacent to Minety Substation (20/01791/SCR). The purpose of the request was to determine whether the proposed development, as described, would be likely to have significant effects on the environment and therefore require an assessment. The Council was unable to adopt a screening opinion by 27 April 2020, when the current application for planning permission was made. The description of the proposal in the application differed from that in the request for a screening opinion, and an environmental statement was submitted with the application regardless of any screening opinion. Consequently, the request for a screening opinion was withdrawn on 4 May 2020.

It is considered that the environmental statement accompanying the present application meets the requirements of the Regulations (Regulation 18). The local planning authority is required to take account of "the environmental statement, including any further information and any other information, any representations made by any body required by these Regulations to be invited to make representations, and any representations duly made by any other person about the environmental effects of the development", when considering whether planning permission should be granted (Regulation 26).

The environmental effects of the development are considered beneath the sub-headings that follow.

b) Whether the proposal is acceptable in principle

Nationally, the need for renewable energy sources is well established in planning policy. Although concern was raised during the public consultation period that there is insufficient electricity demand in the locality to justify the scale of the proposal, the NPPF is clear that when determining planning applications for renewable or low carbon energy, local planning authorities should not require applicants to demonstrate the overall need for renewable or low carbon energy and should approve the application if its impacts are (or can be made) acceptable (paragraph 158).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

Section 70(2) of the Town and Country Planning Act 1990 provides that:

In dealing with an application for planning permission, the authority shall have regard to:

- the provisions of the development plan, so far as material to the application,
- a post-examination draft neighbourhood development plan, so far as material to the application,
- any local finance considerations, so far as material to the application, and
- any other material considerations.

For the purpose of determining this application, the development plan comprises the Wiltshire Core Strategy Adopted January 2015 (WCS) and the Saved Policies of the North Wiltshire Local Plan 2011. A core objective of the development plan is to address climate change and through Core Policy 42 ‘Standalone Renewable Energy Installations’, the Council sets out the parameters within which standalone renewable energy installations shall be supported. The policy is as follows:

“Proposals for standalone renewable energy schemes will be supported subject to satisfactory resolution of all site specific constraints. In particular, proposals will need to demonstrate how impacts on the following factors have been satisfactorily assessed, including any cumulative effects, and taken into account:

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

Applicants will not be required to justify the overall need for renewable energy development, either in a national or local context.”

The supporting text within the WCS mentions that “...standalone renewable energy installations, of all types, will be encouraged and supported. The policy focuses on the key criteria that will be used to judge applications and gives a clear criteria-based framework to encourage greater investment by the renewable energy industry within Wiltshire” (paragraph 6.38). However, “The development of most standalone renewable energy installations within Wiltshire will require careful consideration due to their potential visual and landscape impacts... The size, location and design of renewable energy schemes should be informed by a landscape character assessment, alongside other key environmental issues as set out in Core Policy 42. This should help reduce the potential for conflict and delay when determining planning applications. Cumulative effects should be addressed as appropriate” (paragraph 6.39).

The development of renewable energy installations, on any scale, will inevitably contribute to the environmental objective of the NPPF and to local policy that seeks to address climate change and encourage the production of energy through renewable sources. Therefore, the proposed development is supported in principle. However, in order to establish the acceptability of the

proposal on the site in question, all material planning considerations associated with the proposal must be considered. NPPG (at paragraph 013 Reference ID: 5-013-20150327) sets out the factors to be considered when dealing with proposals for the deployment of large-scale ground-mounted solar photovoltaic farms. These factors are addressed beneath the sub-headings below.

By way of background, the Climate Change Act 2008 set an ambitious target of a 34% cut in greenhouse gas (GHG) emissions against a 1990 baseline by 2020, rising to an 80% reduction by 2050. In 2019, this target was amended to a 100% reduction (compared to 1990 levels) by 2050. These targets are the UK's contribution to a global GHG reduction necessary to limit climate change. Reductions can be achieved in all sectors of the economy and society by applying three broad principles.

- i. Behaviour Change;
- ii. Energy Efficiency; and
- iii. Renewable / Low Carbon Energy Generation.

Whilst there may be political and local opposition to solar PV installations (especially on green field sites), concerns raised about their efficiency rating (which has been quoted as being about 12%), and their reliance upon Government subsidies, there should be no doubt that the above legislation provides a strong strategic policy framework which supports renewable and low carbon development. As such, there is strong national and local policy support in favour of this type of proposed development.

Representations made during the public consultation period expressed a preference for this type of development to be located on brownfield land. Whilst it is agreed that this would be preferable, local and national planning policy does not provide a mechanism through which the Local Planning Authority can compel the developer to consider the development of alternative sites. NPPG states that proposals which involve greenfield land should consider '*whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.*' These matters will be addressed in further detail below (g).

Locally, Wiltshire Council has made a firm commitment to becoming a carbon neutral council by 2030 and the Council's adopted ECO (Energy, Change and Opportunity) Strategy sets out a clear commitment to increase the uptake of renewable energy. Action to tackle climate change through energy efficiency and renewable energy generation are intrinsic to how Wiltshire Council wants to develop.

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

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

It is fully acknowledged that these justifications are proportionately linked to the scale of development. Comments received during the public consultation period suggested that the performance and output of solar as a renewable energy source should be considered to assess whether it represents an effective use of land. However, Government policy makes it very clear that renewable energy projects, irrespective of their size, provide a valuable contribution to cutting greenhouse gas emissions.

It is also necessary to note that this type of development is, in theory, not permanent. When the development comes to an end, it would be reasonable to insist on restoration of the land. If permission is granted, a suitably worded planning condition requiring decommissioning of the site and the removal of panels and plant can be used to achieve this, and address those concerns raised by members of the public.

c) Whether the proposal would result in the loss of agricultural land

The existing use of the site is predominantly agriculture. The NPPF requires planning policies and decisions to contribute to and enhance the natural and local environment by "...recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland" (paragraph 174).

Natural England's Technical Information Note TIN049 *'Agricultural Land Classification: protecting the best and most versatile agricultural land'* explains that: "the Agricultural Land Classification (ALC) provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system... The ALC system classifies land into five grades, with Grade 3 subdivided into Subgrades 3a and 3b. The best and most versatile land is defined as Grades 1, 2 and 3a by policy guidance (see Annex 2 of NPPF)". The site comprises Grade 3 agricultural land according to broad areas identified by Natural England. However, the application is supported by an Agricultural Land Classification Survey Report (April 2020) which assesses the site specifically and concludes that the land is Grade 3b. The report states that "...while no one factor limits the grade of the land, the interaction between climate and soil result in a wetness assessment that limits the land to grade 3b" (paragraph 6.4).

NPPG for renewable and low carbon energy advises that, where a proposal involves greenfield land, it allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The proposed solar farm will involve the temporary change of use of the land, but due to the restricted nature of the development, the agricultural use will be retained particularly in the long term. During the operational phase of the development, it is the landowner's intention to graze sheep between and beneath the solar panels, retaining agricultural use of the site and the proposal also includes biodiversity enhancement measures. The proposed development has a low impact on the existing ground conditions and does not have significant foundation or infrastructure requirements. As such, the minimal physical intrusion of the development itself will mean that the panels are to be removed upon expiry of the proposed temporary 40-year period, and the land will revert swiftly to agricultural use, which should be a condition of any planning permission that may be granted.

In response to consultation on the application, Natural England stated:

"We consider that the proposed development is unlikely to lead to significant long term loss of best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land"

quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas.

That view is shared by officers, and it is concluded that the proposal will not result in permanent loss of the best and most versatile agricultural land.

The environmental statement does not deal specifically with the cumulative loss of agriculture land. The cumulative effects of the proposal are assessed in the technical chapters that deal with landscape and visual impact and with biodiversity instead. This approach accords with the Framework and with NPPG. The landscape and visual impacts are considered next.

d) Whether the proposal would be harmful in terms of its landscape and visual impact;

NPPG for renewable and low carbon energy highlights that the development of large-scale solar farms can have a negative impact on the rural environment, particularly in very undulating landscapes. “However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively”. The guidance highlights the need to consider the visual impact of large-scale solar farms and the potential to mitigate landscape and visual impacts through screening.

This subject is of great concern to many of the interested parties who commented on the application. The representations included statements that the proposal would be visually prominent and would cause harm to the character of the area, that its size and scale would be too large for this rural location, and that the mitigation proposed would be inadequate. Of particular concern was the proposal’s compliance with the management objectives of the landscape character assessments which, among other things, seek to conserve and enhance the pastoral character of the area.

The site is identified from the County level Landscape Character Assessment as falling within the ‘Minety Rolling Clay Lowland’ landscape character area. In the District level Landscape Character Assessment, it mainly falls within the ‘Braydon Wooded Plateau’ Landscape Character Area, with three small corners of fields in the west and north of the site falling within the ‘Minety and Malmesbury Rolling Clay Lowland’. The key characteristics of the Minety Rolling Clay Lowland area include its largely peaceful rural landscape, the gently rolling lowland and the mixed arable and pastoral land use.

The application site does not lie within a protected landscape and the proposal would not affect the setting of a protected landscape.

Chapter 6 of the Environmental Statement considers the landscape and visual effects of the proposed development. It describes the topography of the site as resting on land generally above c.100m AOD, with the central southern part of the site at a higher elevation and the south-eastern corner also rising towards Kemble Farm. It adds that there is a concentration of footpaths within and around Minety to the north-east which connect to the wider public rights of way network and link to Upper Minety and to the site.

In response to many of the comments made on the original submission, the applicants considered additional viewpoints from public rights of way to the west of the site, and the cumulative impact on the landscape of other existing and proposed solar farm and energy related developments in the surrounding area. The proposal was amended to reduce approximately 20% of the area covered by panels. Panels were removed from the higher ground in the west and from two fields in the eastern and south-eastern parts of the site. To provide further screening and minimise the visual impacts, the proposed planting scheme was amended to include:

- A new hedgerow along the western edge of the more narrow-shaped field in the south-west corner of the site;
- Filling gaps in the hedge along the western edge of the site, including tree planting; and
- A new hedgerow in the most eastern fields, alongside the public right of way HANK12 (footpath).

The amended planting scheme also confirms that several of the existing hedgerows, including those on the southern boundary of the site, would be maintained at a height of not less than 5 metres (instead of 3 metres) and that existing trees within hedgerows would be allowed to grow to their maximum potential height. The Environmental Statement was updated accordingly.

The Council's Landscape Officer considers that the greatest change in character would be brought about by the change of land use. That is to say there would be a switch from growing seasonally changing crops to seasonally constant electricity generation and electricity storage uses. The new uses would be industrial in nature and, unlike agriculture, would not be characteristic of the rural area. However, the officer noted that the proposal retains the existing field pattern and boundary hedges and that it proposes to reinforce these with new and supplementary planting.

The Landscape Officer commented that:

“The greatest adverse visual effects will be experienced by users of HANK12 (footpath), the route of which passes adjacent to the eastern boundary of proposed solar array areas. The proposal will eventually screen off views from this footpath with new hedgerow planting, subdividing these fields.

Users of CHAR1 [bridleway] have elevated views from higher ground to the south of the B4040, these users will still see part of the solar array that is located in field to the east of Stonehill wood. However these views only include a small part of the overall development.

Views from the more distant PRow to the west will likely be restricted to the solar arrays located in the north western part of the site only, due to the removal of solar arrays from the higher land running up to Park Copse.”

Officers identified only one cumulative visual effect for the proposed development in combination with other operational, permitted or planned energy developments. This was the effect upon users of bridleway HANK15 which joins with CHAR9. The bridleway is about 1.5 km in length and follows a route along the access road leading to the Minety sub-station from the B4040, heading north along the eastern side of Stonehill Wood, with part of the solar farm site to the east. It continues north-westward on a route between the existing Minety sub-station and two recently permitted battery storage sites (east of the sub-station). It then continues north-westward to Hankerton Road, with the north-western part of the solar farm site to the west.

The users of this public right of way already experience direct close views of the sub-station and new battery storage facilities with security fencing, together with overhead views of the electricity transmission lines and pylons leading to the sub-station. While the proposal will extend the urbanising influence of electricity infrastructure along this route, the affected lengths of bridleway are largely separated and screened or visually filtered by existing hedgerows and trees. Consequently, he found that the proposed development would not result in any particularly adverse cumulative visual effects above the existing baseline scenario.

It is considered that the revised proposal comprising a reduced number of solar panels represents an improvement upon the original scheme. The removal of the panels in the more elevated and prominent sections of the site particularly helps to reduce the overall landscape and visual impact of the development. The revised planting plan is also considered to be more robust and comprehensive. It is noted that the proposal is reversible and that further details of the decommissioning phase could be secured via condition. Notwithstanding these factors, it is acknowledged that the revised proposal would bring about a significant change in the land use which would be industrial in nature and not characteristic of the rural area.

From the Environmental Statement, it is understood that no permanent external lighting of the facility will be required. However, some temporary lighting of the construction compound will be required. As limited information has been provided in respect of this, it would be reasonable to add a condition to any planning permission that may be granted requiring the submission and approval of details of external lighting to ensure it is kept to a minimum and to protect the natural landscape.

Core Policy 51 of the WCS states that new development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. The proposed development would have an adverse effect on local landscape character. However, it is considered that through a series of amendments, which has resulted in the removal of solar panels from various parts of the site and improved landscaping, the negative impacts have been mitigated as far as possible for a scheme of this nature and there would be no unacceptable impact on wider landscape character.

e) Whether the scheme would give rise to an adverse impact on residential amenity

Concern was raised during the public consultation period that the proposal would cause harm to neighbour amenity, through disturbance by noise. The application is supported by a report of a noise assessment (April 2020) which concludes that noise from the proposed solar farm, including the battery storage provision, would generally fall well below the typical background sound level at the nearest noise sensitive receptors and result in a low noise impact in accordance with BS4142:2014. It states that noise from the proposed development would not result in any loss of amenity at all of the receptors. The report has been considered by the Council's Environmental Health Officers, who are satisfied with its findings and recommend a condition to ensure that noise from plant is kept to specified levels during the day and at night. Therefore, it is considered that the proposal would not give rise to an adverse impact upon the reasonable living conditions of the occupiers of neighbouring dwellings during the operational stage.

BRE guidance states that: *"Glint may be produced as a direct reflection of the sun in the surface of the solar PV panel. It may be the source of the visual issues regarding viewer distraction. Glare is a continuous source of brightness, relative to diffused lighting. This is not a direct reflection of the sun, but rather a reflection of the bright sky around the sun. Glare is significantly less intense than glint."* It adds that solar PV panels are designed to absorb, not reflect, irradiation. The 'Planning Statement' accompanying the application also highlights the manufacturers' use of anti-reflective coating in the glass, which can reflect as little as 2% of the incoming sunlight. As such, it is not considered that the solar panels would give rise to any nuisances in terms of glint and glare.

Although concern was raised during the public consultation period that the proposal would have a negative impact upon mental health, there is no evidence to suggest that this would be the case.

It is recognised that there may be some disturbance created during the construction and decommissioning stages. However robust planning conditions and a respectful developer/site

contractor can limit the level of nuisance. The Council's Public Protection team has advised that the construction works should be confined to standard working hours, which can be specified in a Construction Environmental Management Plan secured through a condition.

On this basis, it is considered that the proposals do not conflict with the relevant policies of the plan, including Core Policy 57 of the WCS, or with relevant provisions of the Framework.

f) Whether the proposal would have an adverse impact upon highway safety or public rights of way

The application is supported by a Construction Traffic Management Plan (April 2020) which states that the construction programme will last approximately six months (up to 26 weeks). The access, during both construction and operation, will be provided from the B4040 via two existing accesses. These are referred to as the 'National Grid Access', which is a T junction with a 30m wide bellmouth, and the 'Western Access', which is a gated field access that is set back approximately 16 metres from the junction, 1.2 km to the west of the 'National Grid Access'. The 'Western Access' would be upgraded to provide a 10m radius on the western side of the junction.

The Highway Authority is satisfied that the submitted Construction Traffic Management Plan demonstrates a suitable arrangement for construction traffic to the site. In particular, they advised that although the visibility splay to the west for the main access would be below the standard set out by the Design Manual for Roads and Bridges (DMRB), this access has been operating without any recorded personal injury incidents for the last 5 years. They considered that the movements anticipated in association with the construction would not constitute a significant material impact and the main access junction is suitable for the construction vehicles. The visibility splays from the gated field access are also acceptable. However, upgrading it with a consolidated surface would permit larger vehicle turning movements. Moreover, tracking for the largest construction vehicles anticipated to be associated with the proposed development has been shown to be achievable in a safe and suitable manner at both accesses.

In terms of access from the strategic road network, the Highway Authority advised that a construction route which follows the A429 and B4040 would be favourable, and that any HGV traffic should avoid being routed through Cricklade via the A419 unless guarantees can be provided that it will not result in a "convoying" of HGVs through the centre of the town.

The Construction Traffic Management Plan provides an indication of the anticipated traffic generation, based on the construction of other solar farms and on the scale of the development, which could have been included in a separate 'Transport Statement' or 'Transport Assessment'. There would be an average of 6 deliveries per day (or 12 one-way movements per day) throughout the 6-month construction period. Additionally, traffic would be generated by the construction workers. A maximum of between 60 and 80 construction workers are anticipated to be on site at peak times during the construction period. The Highway Authority does not consider that this traffic would have a negative impact on the operation of the local highway network.

During the operational phase of the development, site activities would amount to the servicing of plant and equipment and the management of soft landscaping. It is anticipated that such visits would be carried out on an occasional basis with minimal impact on the local highway network. The Highway Authority has confirmed that the traffic generation during the operational phase would not be considered to have a significant impact.

While the submitted Construction Traffic Management Plan provides an acceptable framework, further details will be required once a contractor is appointed (including signage of routes for construction vehicles, banksmen to guide construction and delivery vehicles safely into and out of the site, and warning signs on the B4040 to raise driver awareness of the site accesses).

Consequently, the Highway Authority has recommended the use of a suitably worded planning condition requiring the submission, approval and subsequent implementation of a final detailed Construction Traffic Management Plan following the appointment of a main contractor.

Additional conditions have been recommended to deal with the construction of the western access and the provision and retention of specified visibility splays for both the main access and the western access.

As noted in the 'Site Description' above, there are three public rights of way crossing the site (footpaths HANK11 & HANK12 and bridleway HANK15/CHAR9). The proposed development accommodates them on their existing routes and the effects on their users has been considered under the landscape and visual impact heading above (d). The Council's Public Rights of Way Team has raised no objection to the proposed development but requested the use of informatives to prevent the obstruction of any public right of way.

In light of the above, it is considered that the proposal would not have an adverse impact on highway safety or public rights of way and that it would accord with Core Policies 60, 61 and 62 of the Wiltshire Core Strategy.

g) Whether the scheme would cause harm to protected species and/or their habitats

Core Policy 50 of the WCS requires all development proposals to incorporate appropriate measures to avoid and reduce disturbance to sensitive wildlife species and habitats throughout the lifetime of the development. Major development is also required to include measures that will deliver biodiversity gains.

The application site does not form part of any statutory or non-statutory designated sites. However, it does border Cloatley Farm SSSI and Emmett Hill Meadows SSSI to the north and north-east respectively. There is also a large number of protected species records in this area, which includes various species of bats.

Chapter 7 of the Environmental Statement deals with 'Ecology and Nature Conservation', and the Appendices include:

- A Wintering Bird Survey Report (03/06/2021);
- A Confidential Badger Report (01/06/2021);
- A Landscape and Ecology Management Plan (03/06/2021); and
- A Construction Environmental Management Plan (03/06/2021).

The application is also supported by a Great Crested Newt eDNA Survey Report & Mitigation Strategy (20/05/2020), an Outline Great Crested Newt Mitigation Strategy (03/06/2021), a Biodiversity Mitigation and Enhancement Plan (01/11/2021), a Bat Activity Survey Report (16/11/2021), and a Great Crested Newt District Level Licensing Impact Assessment & Conservation Payment Certificate (IACPC) (11/02/2022).

The Council's Ecologist has examined all of the submitted documents thoroughly, and made final comments under three headings:

1. Great Crested Newts (GCN) – A GCN mitigation licence needed to be obtained from Natural England to allow the proposed works to proceed lawfully. A copy of this document has now been received.
2. Bats and Lighting – There should only be emergency lighting used during construction, including the winter months. This is because some bat species use trees for hibernating

through the winter and there are trees close to the construction compound location that could support roosting bats during the winter. There are no lighting contour plans to demonstrate that there would be no light spill onto retained hedgerows and habitats. However, this information is capable of being secured through the use of a suitably worded planning condition.

3. Ecological Mitigation Plan – While there are some inconsistencies and shortcomings in the submitted document, a suitably worded planning condition can be used to secure a final version of the Biodiversity Mitigation and Enhancement Plan.

It is possible to secure a Landscape and Ecological Management Plan (LEMP), Construction Environmental Management Plan (CEMP), and an Ecological Monitoring Plan via conditions. A LEMP is required to explain how habitats will be managed during the operational phase of Development. A CEMP is required to explain how the construction works will be managed to avoid impacts and how compliance will be achieved on site. An Ecological Monitoring Plan is required to monitor the key aspects of the Biodiversity Mitigation and Enhancement Plan. The Council's Ecologist has also recommended a condition to secure an ecological survey to inform the decommissioning phase of the project. Through these measures, the proposed development will satisfy the requirements of Core Policy 50 of the WCS and relevant provisions of the framework.

h) Whether the proposal would result in the loss of trees and ancient woodland

Core Policies 51, 52 and 57(i & ii) of the WCS require development proposals to conserve and enhance natural features including trees, hedges and woodland. Saved Policy NE12 of the North Wiltshire Local Plan supports the creation, conservation, enhancement and positive management of woodland. It also seeks to protect areas of ancient and semi-natural woodland. Saved Policy NE14 of the North Wiltshire Local Plan seeks to prevent the loss of trees, hedges and other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

As noted in the 'Site Description' above, the site comprises a group of fields that are enclosed by trees, hedges and woodland. It borders Stonehill Wood and Park Copse, which are both designated as County Wildlife Sites and ancient woodland.

The application was accompanied by an Arboricultural Impact Assessment (AIA), including a tree survey, tree protection plan and the heads of terms for an arboricultural method statement. The AIA was revised to take account of the amendments to the proposal, described under the landscape and visual impact heading above (d).

The revised AIA states that the proposed development will not require the complete removal of any significant trees, groups or hedgerows. The removal of some hedgerows, limited to a maximum of 5m in length, will be required for access tracks. Additionally, it will be necessary to remove 1-2m sections of three hedgerows to allow installation of the site perimeter security fence. Where security fencing passes through larger tree groups or woodland, tree removals can be avoided by locally routing the fence around tree stems. Some removal of stems and minor crown raising or pruning of low branches may be required to facilitate this but can be kept to a minimum. The proposal has been designed to respect all root protection areas, a 15m buffer for the Ancient Woodland and 20m buffer for one Veteran tree. The proposed development is therefore capable of being implemented without any direct impacts on important trees. The AIA states: "*The proposals are considered to be acceptable from an arboricultural perspective, and if carefully implemented according to an approved arboricultural method statement there would be no significant negative impacts on the retained trees or woodland*".

In response to consultation on the revised AIA, the Council's Arboricultural Officer raised no objection subject to conditions that require implementation of an arboricultural method statement and the protection of trees in accordance with the submitted Arboricultural Impact Assessment dated June 2021.

It is concluded that the proposal will not result in the loss of any significant trees and ancient woodland and that it accords with Core Policies 51, 52 & 57 of the WCS and Saved Policies NE12 and NE14 of the North Wiltshire Local Plan.

i) Whether the scheme would cause harm to areas of archaeological interest or to heritage assets

Core Policies 57(i & iv) and 58 of the WCS deal with conservation of the historic environment. The supporting text states that heritage assets include listed buildings, conservation areas, scheduled ancient monuments, registered parks and gardens, registered battlefields, world heritage sites, and non-designated heritage assets such as buildings and archaeological sites of regional and local interest (paragraph 6.136). The policy seeks to ensure that developments protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings are to be conserved, and where appropriate enhanced in a manner appropriate to their significance.

The application was supported by a Heritage Desk-Based Assessment (April 2020), which confirmed that:

"No designated heritage assets are located within the site, but fifteen Listed Buildings lie within a 1km radius of the site..."

These comprise two Grade II Listed milestones on the B4040 (one to the south of the site, between the track to the substation and the track to Purlieu Farm; the other closer to Minety village, c.650m east of the site); two Grade II Listed farmhouses (Cloatley End Farmhouse, c.410m north east of the site, and Dolman's Farmhouse, c.850m north-west of the site); and the Grade I Listed Church of St Leonard and ten Grade II Listed Buildings at Upper Minety, c.750m–1km north-east of the site.

Further afield are Listed Buildings at Hankerton (including the Grade II Listed Church of the Holy Cross) and Charlton (including the Grade II* Listed Church of St John the Baptist)."*

The assessment found that the following buildings have no meaningful association, visual or otherwise, with the site:

- Grade II Listed Milestone on B4040;
- Grade II Listed Milestone on B4040;
- Grade II Listed Dolman's Farmhouse;
- The Grade I Listed Church of St Leonard and the Grade II Listed Buildings at Upper Minety;
- The Grade II* Church of the Holy Cross and other Listed Buildings at Hankerton;
- The Grade II* Listed Church of St John the Baptist and other Listed Buildings at Charlton.

It also found that the site does not contribute to the significance of either of the two milestones or Dolman's Farmhouse through setting. The Grade II* listed Church of the Holy Cross at Hankerton is the only designated heritage asset visible from within the site. There is a glimpse of the tower from the far north-western field of the site, but this is not a location from where the asset is

typically or best experienced. The assessment found no specific association between the site and the church and therefore concluded that the site does not contribute to the significance of the church through setting.

The assessment notes that the Grade II Listed Cloatley End Farmhouse is experienced from its Hankerton Road frontage, its driveway, its garden plot and its former yards. It confirms that:

“There are no long-ranging views of the asset on the approach along Hankerton Road or from within the site due to intervening vegetation and topography.

The Farmhouse’s façade has a southerly aspect, overlooking its enclosed front garden and Hankerton Road. The hedge and the trees on the south side of Hankerton Road obstruct long-ranging views of the outlying farmland – including that of the site”.

Consequently, the site does not contribute to the significance of Cloatley End Farmhouse through setting, and the development is considered to cause no harm to the significance of that heritage asset.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The submitted Heritage Desk-Based Assessment is considered to have provided an appropriate and proportionate assessment for all listed buildings within 1km of the site. Officers agree with the conclusion “...that the site does not contribute to the significance of any asset through setting. As such, no designated heritage asset is considered sensitive to the proposed development.”

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. The site is far from the nearest conservation area in Charlton. It is considered that the site does not contribute to the significance of this designated heritage asset. Given the distance between the site and the conservation area, it is considered that the proposal will not result in harm but will preserve the character and appearance of that area.

Neither Historic England nor the Council’s Conservation Officer have raised any objection to the application.

It is considered that the application has adequately demonstrated that there would be no harm to the significance of above ground heritage assets.

Some concern was expressed about the impact of the proposed development on archaeological remains. However, the site has been the subject of two geophysical surveys and an archaeological trial trench evaluation (carried out in June and July 2020 in accordance with a written scheme of investigation approved by the County Archaeologist). The evaluation identified “only limited archaeological remains within the site, with the majority of trenches either entirely devoid of archaeological features or revealing only former field boundaries/drainage ditches, tree throw pits/rooting, plough scars and field drains”. The results broadly accord with the preceding desk-based assessment which suggested that most of the site was of low to medium archaeological sensitivity.

Only one ditch contained dateable artefacts, with 77 sherds of Late Iron Age to Roman pottery. A cobbled trackway and associated drainage ditches were found within the centre of the site which contained some sherds of post-medieval/modern pottery.

Following receipt of the evaluation report, the Council's Archaeologist confirmed that no further archaeological work was required in support of the application. On this basis, it is considered that the proposal would not cause harm to a site of archaeological interest.

Therefore, the proposed development accords with Core Policies 57 & 58 of the WCS.

j) Whether the development would result in any other adverse environmental impacts

Core Policy 67 'Flood Risk' of the WCS requires all new development to include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to the soil and ground (sustainable drainage system) unless site or environmental conditions make these measures unsuitable. The application is supported by the report of a Flood Risk Assessment, which was updated in June 2021 to respond to issues raised by the Lead Local Flood Authority.

The potential for the development to compound existing flooding is a matter of local concern. The entire site falls within Flood Zone 1, where there is a low risk of flooding. However, some small parts are at risk from surface water flooding in extreme events (1 in 100 + climate change (40%) event).

The Flood Risk Assessment illustrates how expansion/movement joints between the panels help to disperse rainwater and avoid concentrated flows landing on the ground. The proposed layout includes battery containers which will be supported on slim concrete pads with a granular base which, according to the Flood Risk Assessment, will ensure that runoff is stored during storms and infiltrates naturally into the underlying soil or disperses by evapotranspiration. The proposed access tracks will be formed of a permeable material (with 30% voids) and would be 300mm deep to provide rainwater storage and encourage infiltration. The report also explains that the ground will be inspected, prepared, seeded and native vegetation encouraged, which will improve soil quality and its ability to absorb rainfall.

The Council's Drainage Team initially objected to the application on the basis that the submitted flood risk assessment did not comply with the requirements of the NPPF. They had particular concerns regarding the surface water drainage arrangement, and they highlighted that no calculations had been undertaken to establish the greenfield runoff rate or the storage volumes required using a 1% (1 in 100 year) plus 40% climate change rainfall event. They also advised that details of adoption and management should be submitted to ensure that the scheme remains effective for the lifetime of the development.

The revised Flood Risk Assessment provides further details of the proposed surface water drainage arrangement which includes the use of permeable surfaces such as gravel, and ridge-and-furrow swales with dry pond areas to manage potential run off by infiltration and evapotranspiration.

In response to this document, the Council's Drainage Team maintained their view that reliance on infiltration and evapotranspiration for the disposal of site run off was unsuitable as the site is considered to have poor infiltration potential, with no BRE compliant testing having been undertaken due to the perceived unsuitable ground. They also considered that the swales were likely to be unsuitable as they do not have any outfalls. Notwithstanding these shortcomings, the Council's Drainage Engineer has agreed that the outstanding matters could be dealt with via conditions. Three pre-commencement conditions are recommended to deal with:

1. Infiltration testing and soakaway design;
2. Drainage arrangements during the construction phase; and
3. The discharge of surface water from the site.

Such conditions will ensure that a suitable drainage scheme is designed and implemented in accordance with Core Policy 67 of the Wiltshire Core Strategy.

In addition to flood risk there is local concern over the battery technology and the risk of fire. The agent has explained that the applicant is not yet committed to a specific product, but the two mainstream energy storage technologies are 'Li Ion' and 'Flow'. 'Li Ion' batteries would be housed in a purpose made container that would include an efficient intelligent management system as well as state of the art cooling and fire suppression systems. The electrolyte used in 'Flow' technology is aqueous and inherently safe/non-flammable. 'Flow' batteries are similarly housed in purpose made containers with slightly different management and support systems. It is stated that, once commissioned, the solar farm would continuously report and be monitored by a central staffed hub to ensure it is operating safely.

It is important to note that:

1. The current application is for Planning Permission and not Hazardous Substance Consent;
2. The applicant has stated that the proposal does not involve the use or storage of hazardous substances; and
3. The application does not propose development around a hazardous installation which would require consultation with the Health and Safety Executive and Environment Agency, acting jointly as the Control of Major Accident Hazards (COMAH) competent authority.

The Environment Agency was consulted on the application because it was accompanied by an Environmental Statement. However, no comments were received in response.

Dorset & Wiltshire Fire and Rescue Service has also made no formal comments to the local planning authority about this application. However, in response to consultation on an application (20/07390/FUL) for the installation of a battery storage facility and ancillary development on adjoining land, no objection was raised.

The Council's Building Control and Public Protection teams raised no objection or any concerns in this regard for the present application.

Therefore, it is considered that the risk of a fire does not present a defensible reason for refusal of this application.

10. Conclusion

The proposed development is for the installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays and battery-based electricity storage containers together with transformer stations and ancillary infrastructure. The principle of the proposed development is in accordance with current national and local planning policies, which are supportive of renewable energy schemes. The proposal is a large scheme that would provide a valuable contribution towards cutting greenhouse gas emissions. This attracts considerable weight in the overall planning balance, along with other benefits such as the ecological enhancements and biodiversity net gain that would be secured by the development, and associated local economic benefits associated with the construction phase.

It is recognised that the development would result in major effects on local landscape character. However, the impact on wider landscape character and visual amenity has been mitigated where possible through sensitive design and landscaping, and the impact must be balanced by the benefits which would accrue from a renewable energy generator leading to less reliance on carbon. The proposed development would make a significant contribution towards Wiltshire's

renewable energy target and as such it is considered that the overall environmental benefits associated with the proposal outweigh any adverse impacts. The proposal involves the use of temporary structures and a condition can be used to ensure that the installations are removed when no longer in use and that the land is restored to its previous use. Therefore, it is recommended that planning permission be granted subject to conditions to manage the detailed elements of the development and secure ongoing monitoring where appropriate.

Environmental Statement –

Environmental information relevant to the proposal has, in the first place, been examined by the applicant, and the information and outcomes of the examination are set out in the Environmental Statement. Wiltshire Council has undertaken its own examination and, where necessary, supplementary examination of the information in the Environmental Statement. Based on the examination – as set out in this report – Wiltshire Council can reach a complete and reasoned conclusion on the effects of the proposal on the environment.

The conclusion is set out above – that is, there are no effects of such significance to prevent planning permission from being granted in this case. Where there are effects – for example, the effects on landscape and transport – these are not significant adverse effects.

Monitoring measures are not required beyond standard planning conditions relating to, for example, landscaping and highways works.

This conclusion in respect of the Environmental Statement process is up to date in the context of the ES.

RECOMMENDATION

Having taken into account the environmental information, the recommendation is 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.

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.

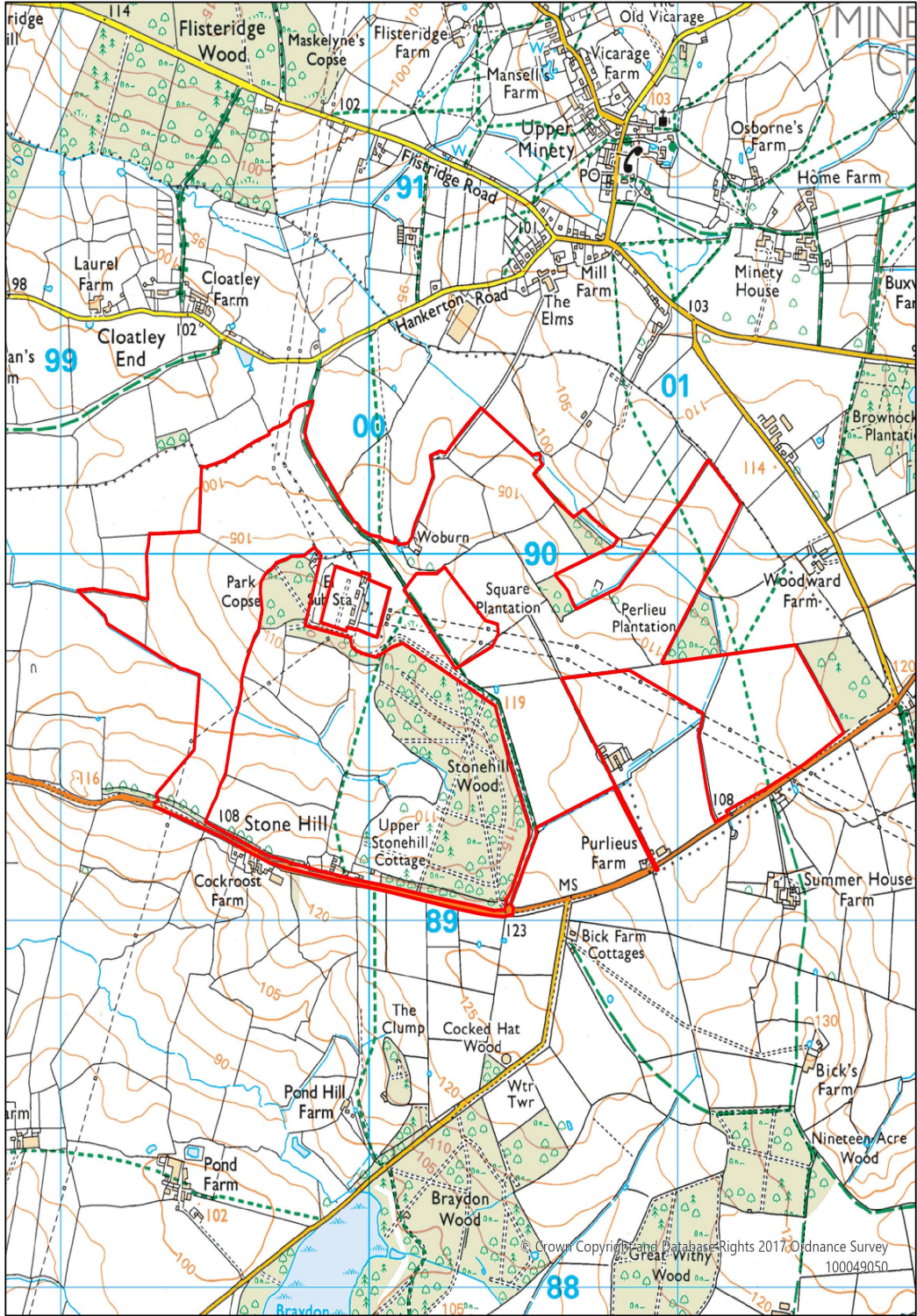
INFORMATIVE

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.

Background Documents Used in the Preparation of this Report:

- Application submissions (20/03528/FUL and 20/01791/SCR)
- Wiltshire Core Strategy (Adopted January 2015)
- NPPF 2021
- Planning guidance for the development of large scale ground mounted solar PV systems, BRE, October 2013



1:15,000



400297E 189713N m

© Crown Copyright and Database Rights 2022 Ordnance Survey Licence No 100049050

This page is intentionally left blank

REPORT FOR STRATEGIC PLANNING COMMITTEE

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

Reason for the application being considered by Committee

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

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

1. Purpose of Report:

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

2. Report Summary:

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

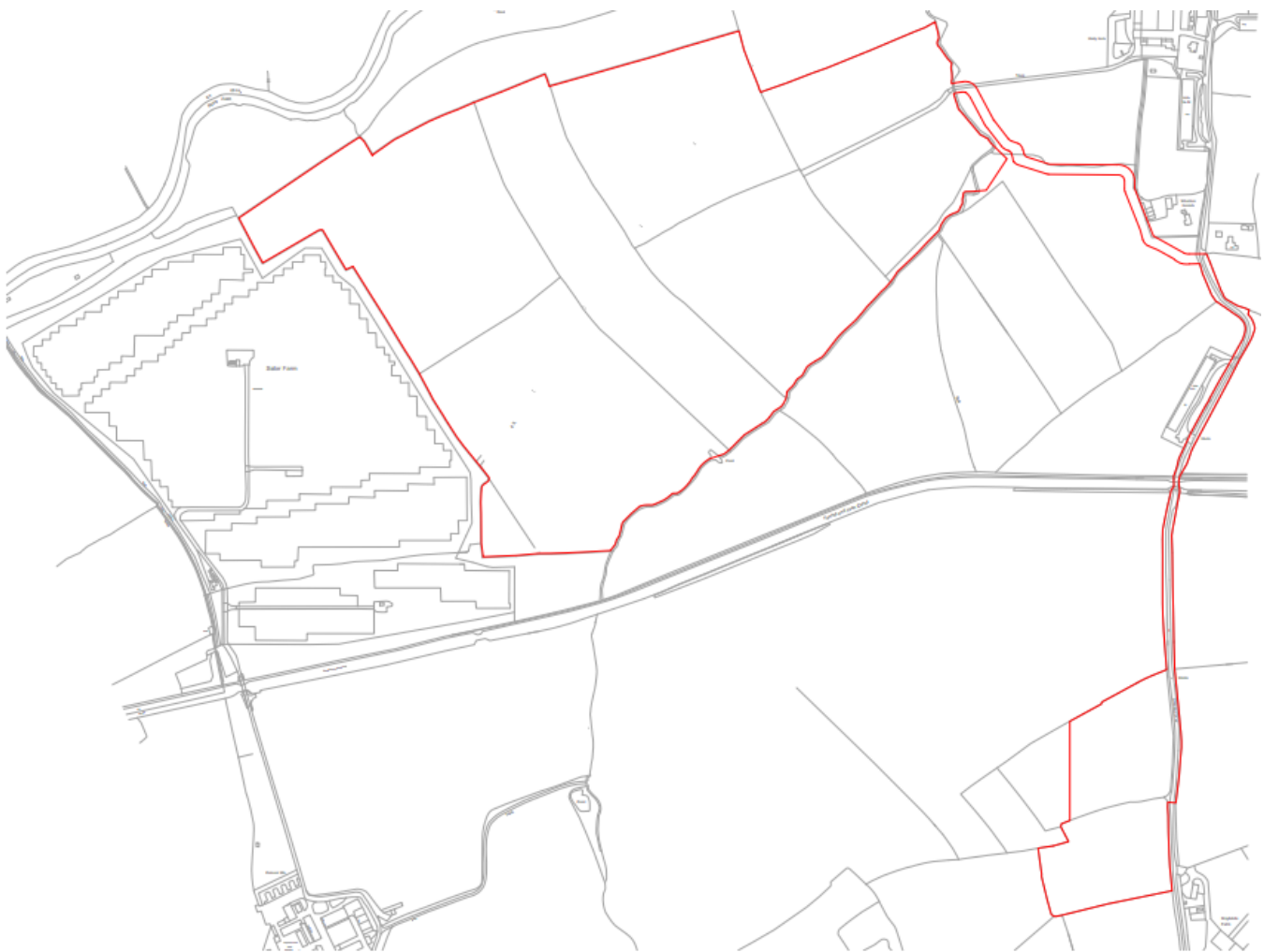
Hilperton Parish Council objects to the application, the details of which are provided within section 8 of this report.

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

3. Site Description:

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

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



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

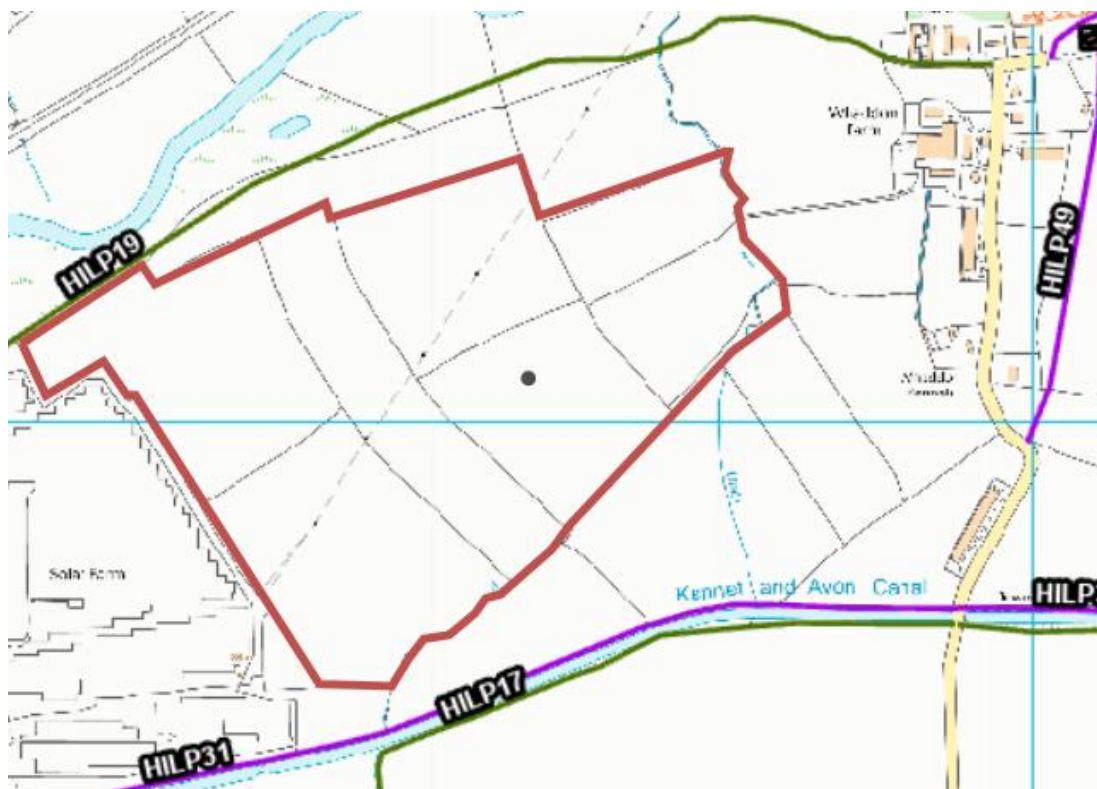
The application site is situated to the north of Hilperton and to the east of Holt and comprises an element of Grade 3 (good to moderate quality agricultural land) to the north, with the majority of the site classified as Grade 4 (poor quality agricultural land) agricultural land which Natural England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

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

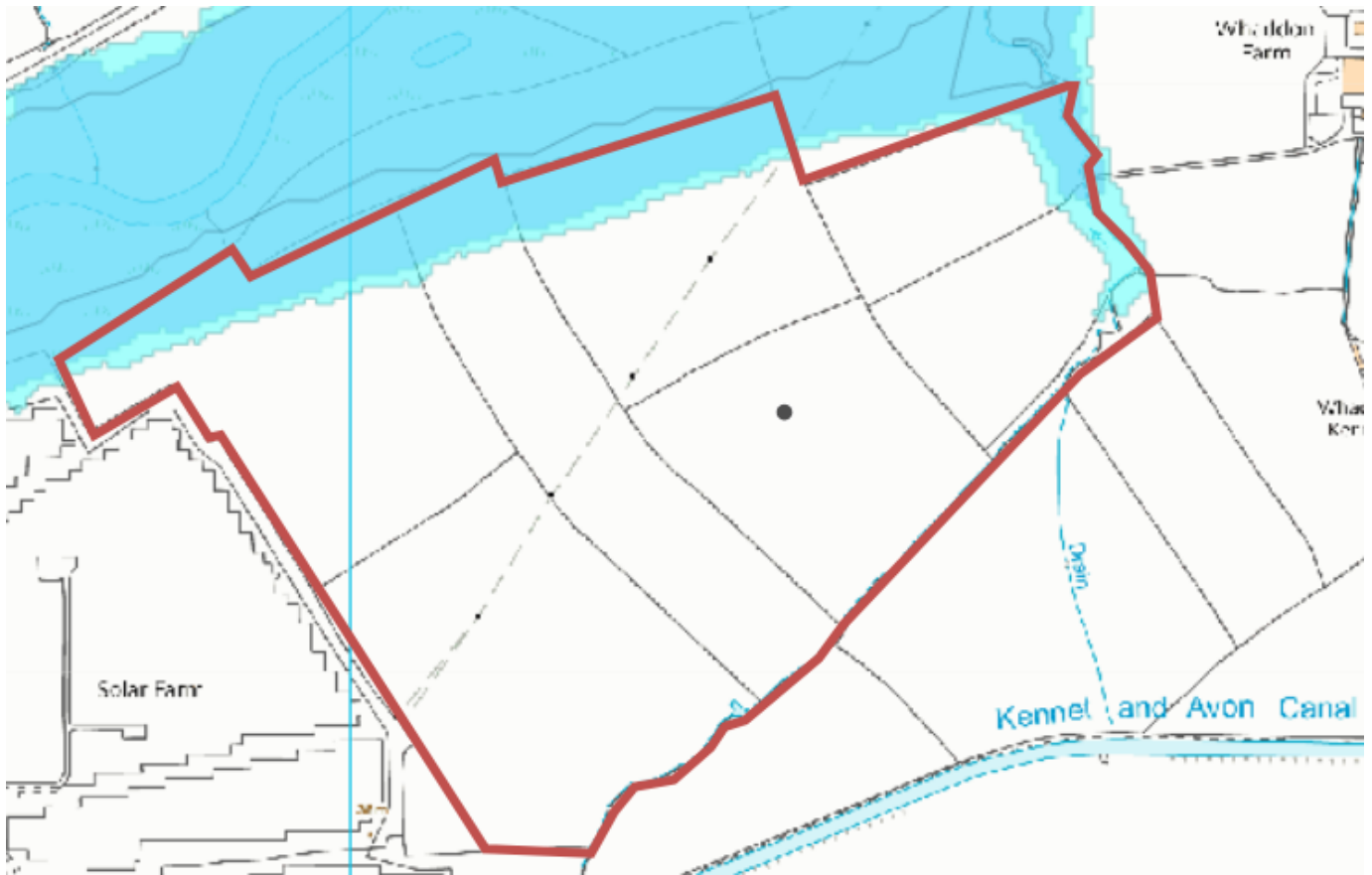
It is however noted from officers' review of the submitted application details that a site-specific agricultural land classification (ALC) survey has been carried out for this application, which concludes that the application site comprises a mix of Grade 3b and Grade 3a quality land, which Natural England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

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

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



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



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

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

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

4. Planning History

² The Trowbridge Bat Mitigation Strategy Supplementary Planning Document was approved by Council on 25 February 2020 and was prepared to support the Wiltshire Housing Site Allocations Plan, which was also adopted on 25 February 2020. Further information available at: [Wiltshire Housing Site Allocations Plan - Wiltshire Council](#)

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

The following planning history also relates to this application site:

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

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

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

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

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

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

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

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

5. The Proposal

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

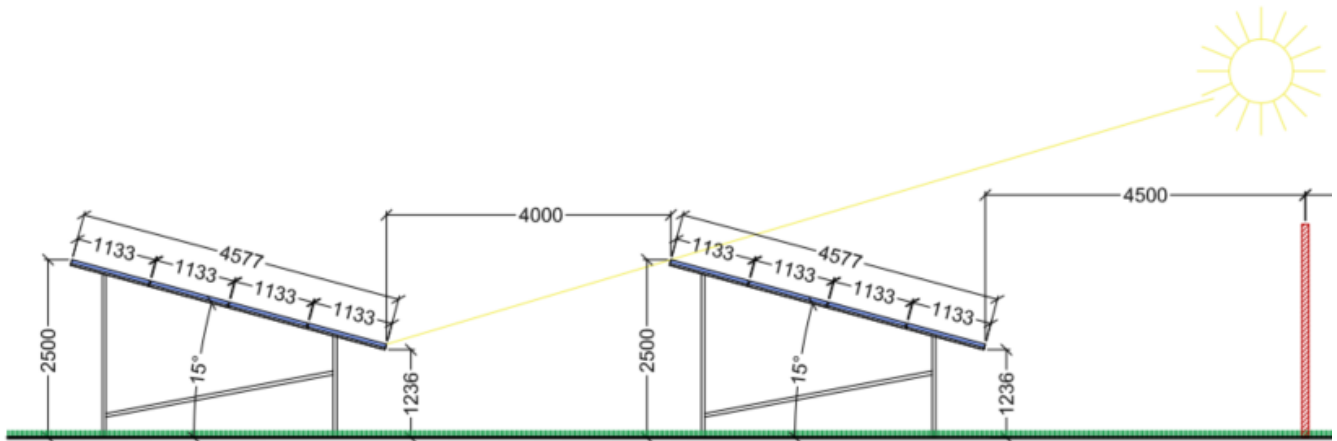
The main development site extends to approximately 37ha and would be located adjacent to the existing solar farm originally approved under planning application reference 14/00592/FUL. The extract provided below illustrates the proposed site layout, with the ground mounted solar panels illustrated by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



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

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

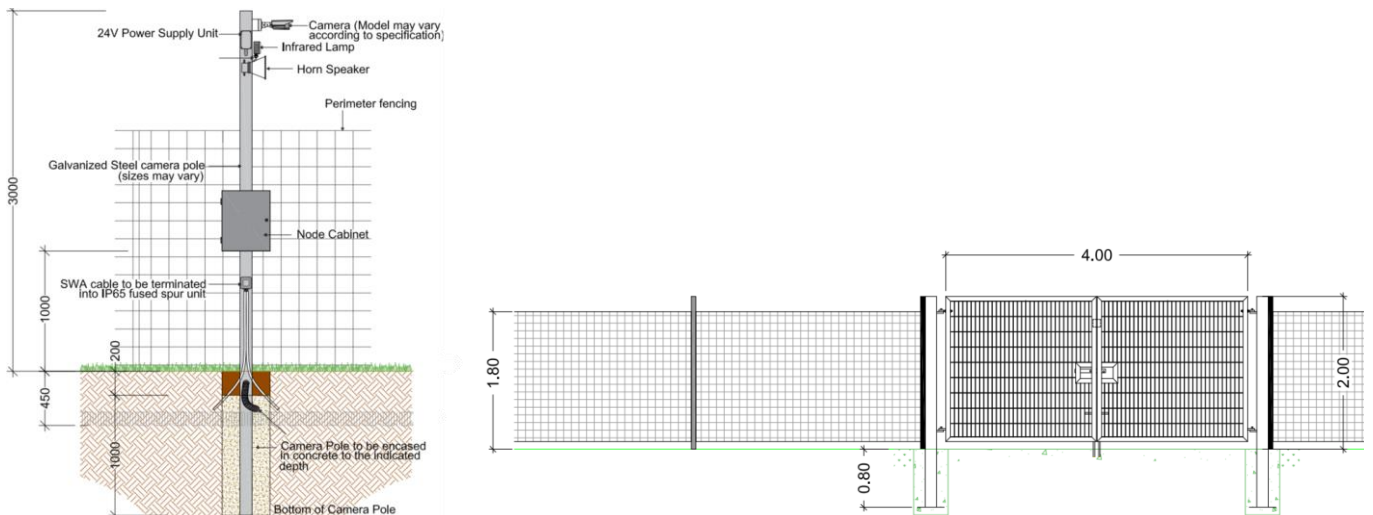
The extract provided on the following page illustrates the proposed side elevation of the photovoltaic solar panels.



2 PV SIDE ELEVATION
Scale: 1:50 @A1

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

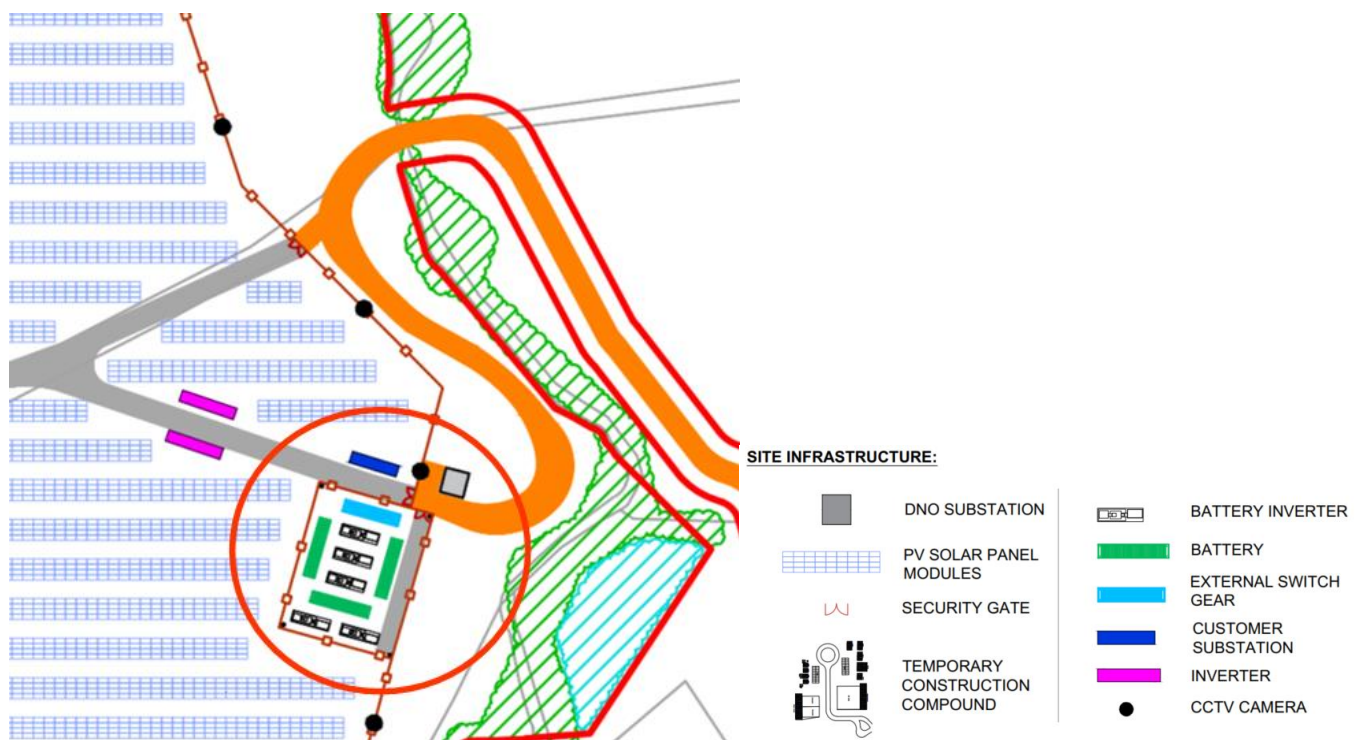
The CCTV cameras would be erected on 3 metre high galvanised steel poles along the perimeter fencing. The perimeter fencing itself would measure 1.8 metres in height and would include three 2m high access gates measuring 4 metres in width to the east of the site, as illustrated by the below extracts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



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

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

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



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

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

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

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

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

6. Relevant Planning Policy

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

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

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

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

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

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

7. Summary of Consultation Responses

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wiltshire Council Rights of Way: No comments received

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

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

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

Wiltshire Council Tree Officer: No comments received

8. Publicity

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

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

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

9. Planning Considerations

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

9.1 Principle of Development:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.2 Visual Impact:

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

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



Photograph from canal bridge facing westwards - September 2020



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



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

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



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



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



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

9.2.4 Policy CP51 of the adopted WCS states that *“Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies”*. In addition, criterion i of CP42 requires standalone renewable energy schemes to demonstrate how impacts on the landscape have been satisfactorily assessed and taken into account.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

9.3 Impact on Heritage Assets:

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

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

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

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

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

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

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

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

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

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

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



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

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

9.4 Ecology:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9.5 Highways:

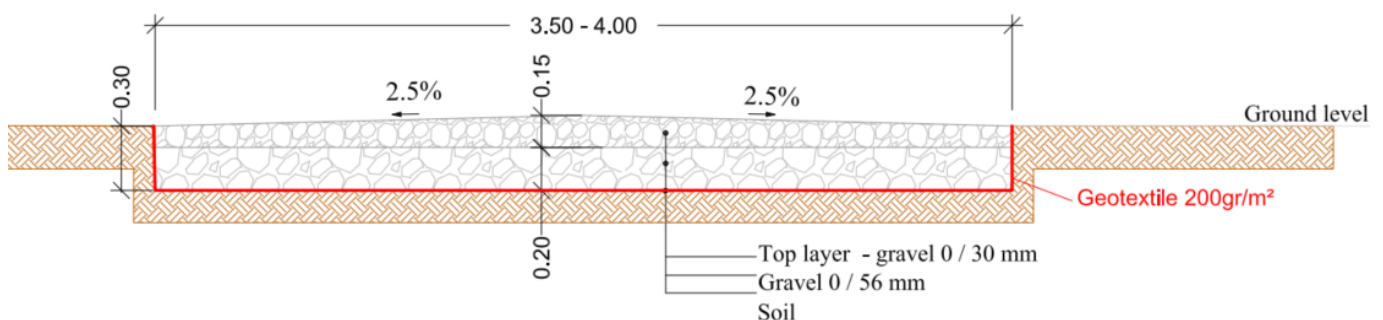
9.5.2 Criterion xiv of CP57 requires proposals to satisfy the requirements of CP61 (Transport and New Development). CP61 requires new developments to be “located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives”. CP61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

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

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

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

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



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

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

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

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

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

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

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

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

9.6 Flood Risk and Drainage:

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

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

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

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

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

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

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

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

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

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

9.7 Impact on Neighbouring Amenity:

³ Table 2 - Flood risk vulnerability classification: [Flood risk and coastal change - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/Flood_risk_and_coastal_change_-_GOV.UK.pdf)

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

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

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

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

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

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

10. Consultation - The Planning Balance:

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

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

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

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

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

RECOMMENDATION:

That planning permission is approved subject to the following conditions -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REASON: To ensure wildlife corridors are not illuminated.

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of highway safety.

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

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

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

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

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

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

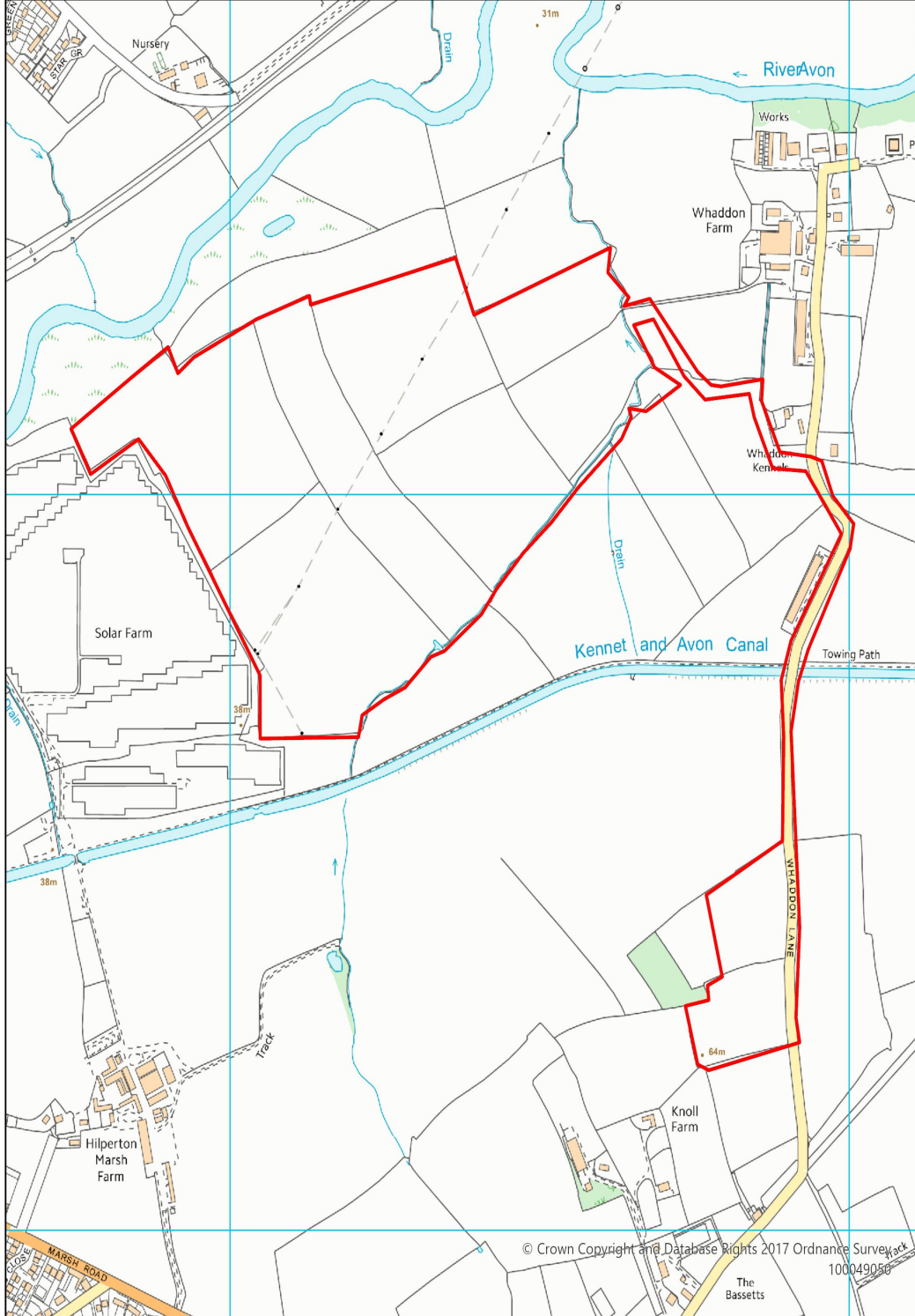
INFORMATIVES:

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

Wiltshire Council

PL/2021/03061

Agricultural fields west of
Whaddon Farm, Whaddon
Lane, Hilperton, Trowbridge,



© Crown Copyright and Database Rights 2017 Ordnance Survey 100049050

1:7,500



387375E 160777N m

© Crown Copyright and Database Rights 2022 Ordnance Survey Licence No 100049050

This page is intentionally left blank

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	6 April 2022
Application Number	PL/2021/08566
Site Address	Land West of Penn Farm, Capps Lane, Heywood, BA13 4NF
Proposal	Provision of 3 gypsy and traveller pitches and associated works including day rooms, parking, turning, septic tank and landscaping
Applicant	Mr Sherrod
Town/Parish Council	Bratton CP
Electoral Division	Ethandune - Cllr Suzanne Wickham
Easting/Northing	390601 153554
Type of Application	Full Gypsy and Traveller
Case Officer	Martin Broderick / Andrew Guest

Reason for the application being considered by Committee

This application has been 'called in' for Committee to determine at the request of the local division member, Cllr Wickham, for the following reasons:

- Visual impact on surrounding area
- Relationship to adjoining properties and
- Environmental/Highway impact.

1. Purpose of Report

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

2. Report Summary

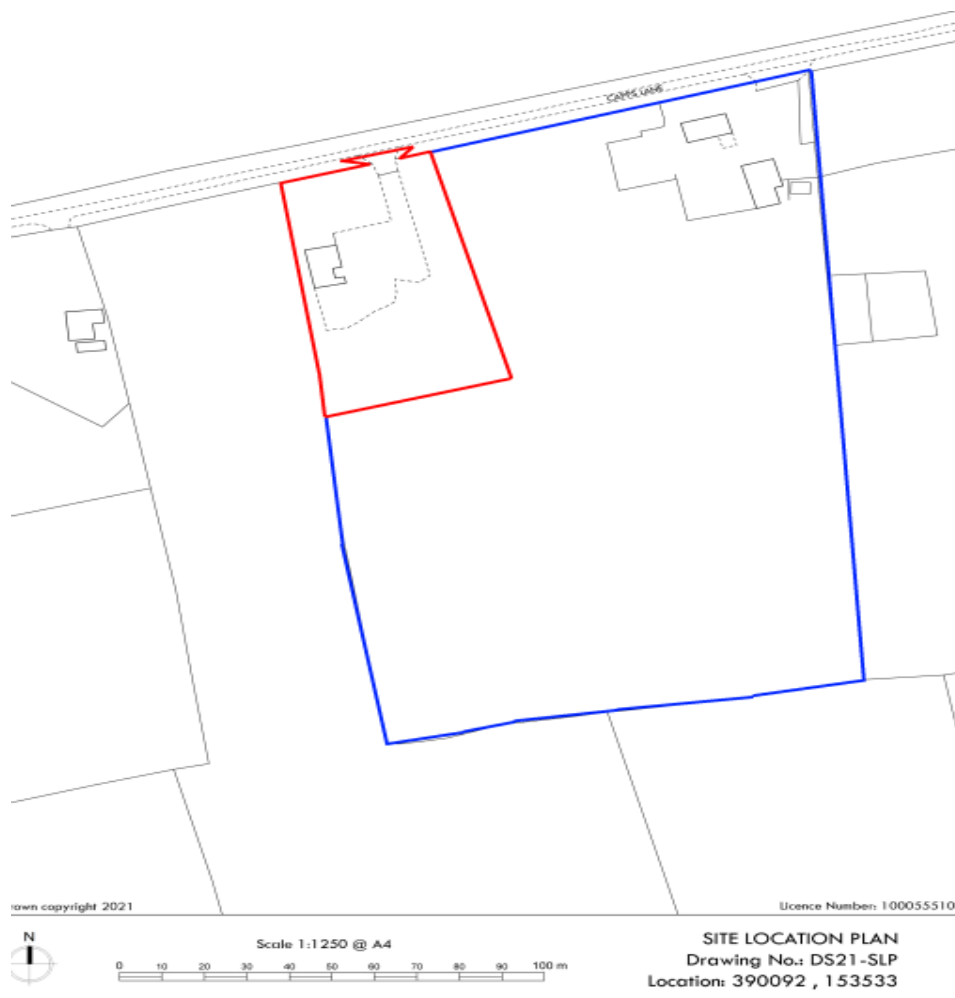
The key determining planning issues are considered to be:

- The principle of development;
- Impact upon the area;
- Neighbouring amenity; and
- Highway impacts.

3. Site Description

The site lies 2.4km north-west of the centre of Bratton Village where there is a post office, doctors, pre-school, recreation ground and a public house. The site is also approximately 4.8km north-east of the market town of Westbury which has schools, supermarkets, and employment as well as other essential services. However, there is no public transport in this location so trips would be most probably taken by private car. A public right of way known as BRAT28 runs adjacent to the application site.

Within the 'blue-edged' land to the east of the current application site there is an existing gypsy & traveller site with one pitch, established since 2007; the current application site lies within the area permitted for use as a gypsy and traveller site for this existing pitch. To the west of the application site is a further site with one pitch, permitted in 2009. The application site itself supports a yard and stable building, with vehicular access.



The site is within Flood Zone 1 (low risk of flooding). The site is in the open countryside for planning purposes.

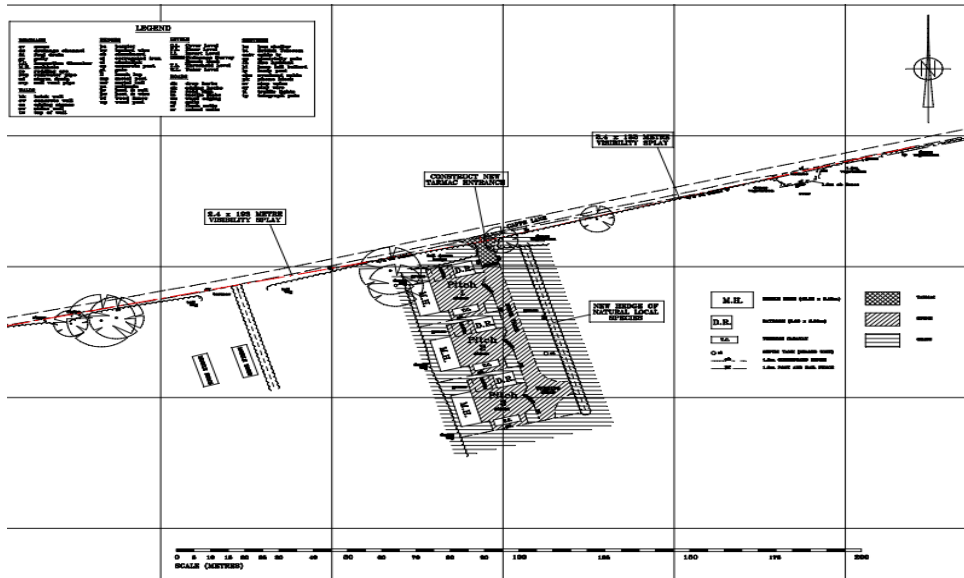
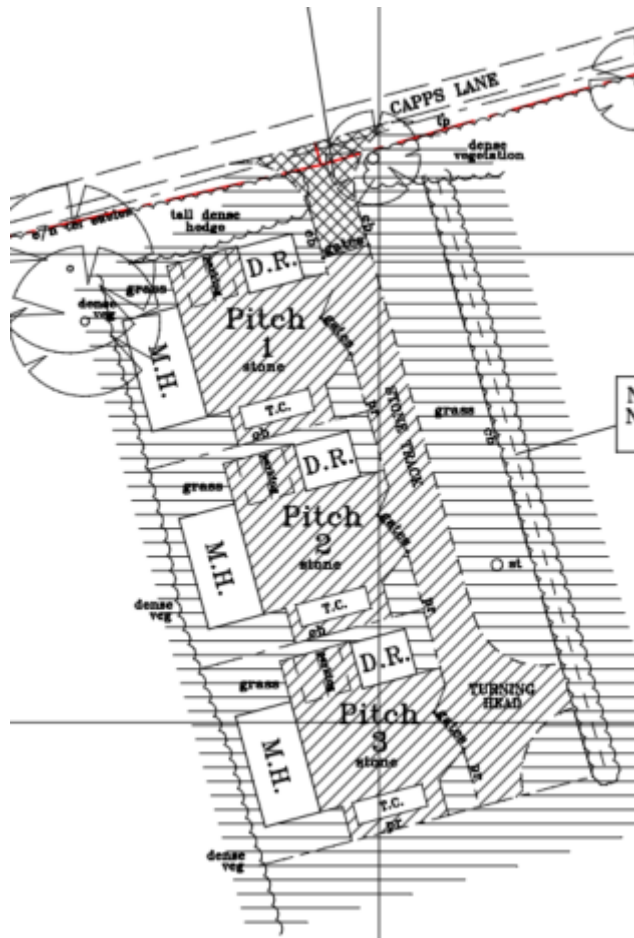


Figure 1 Site Plan



4. Relevant Planning History

The relevant planning history for the blue-edged area is set out below:

07/03063/FUL – ‘Site for one Gypsy family – twin mobile unit and day room’, permission granted 19/11/2007

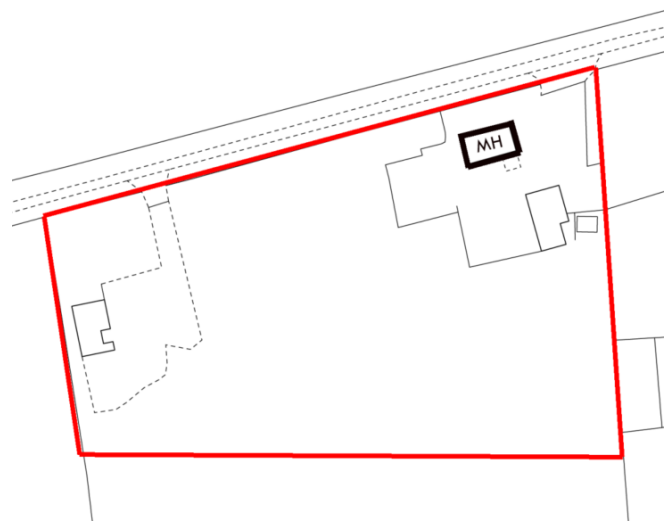
10/01753/S73 – ‘Removal of conditions 2 and 3 attached to planning permission reference 07/03063/FUL and replaced with condition to allow for gypsy/traveller occupation only’ (Variation of condition), granted with conditions on 25/08/2010.

11/01174/FUL – ‘Variation of condition 1 to permission under reference W/10/01753/S73 to provide for the occupation of the site to be carried on only by Mr Sherrod his family and their resident dependents’, granted with conditions on 9th May 2011.

12/01413/FUL – ‘Change of use of land from agricultural to equestrian. Erection of private stable block and associated hardstanding and creation of vehicular access’, granted with conditions on 14/09/2012

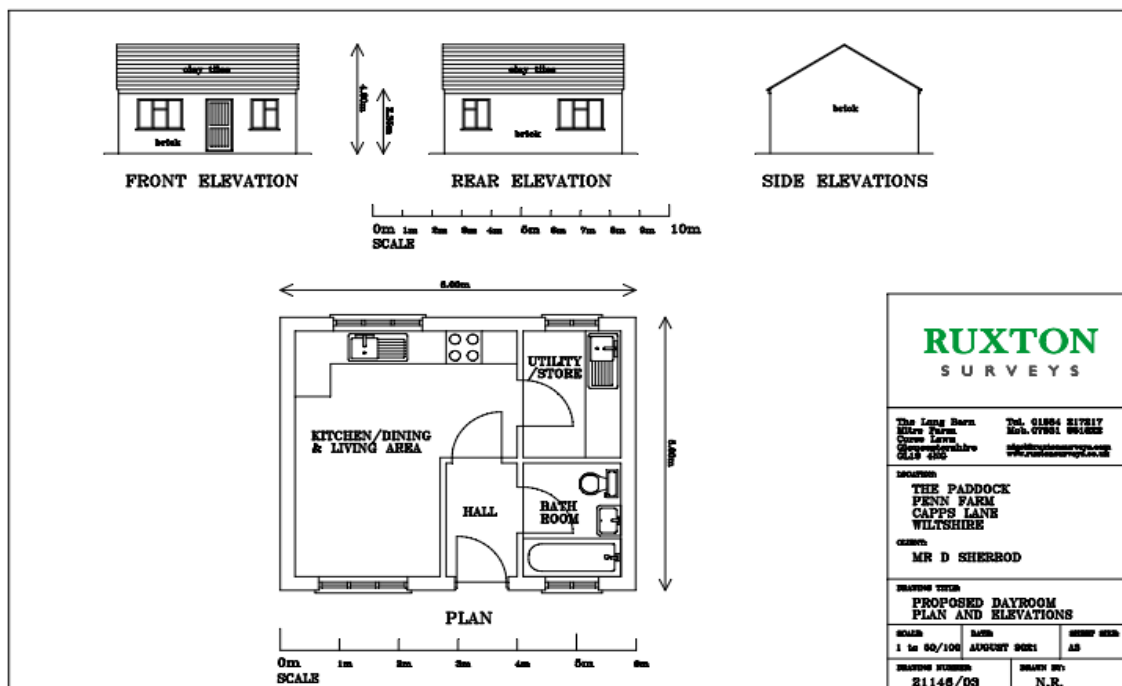
21/00610/VAR - Variation of condition 1 and removal of condition 2 on W/10/01753/S73 to allow for any Gypsy or Traveller occupation, granted with conditions, 28/04/21

The application site for 21/00610/VAR is shown on the following plan. The current application site lies largely within this red line.



5. Proposal

This application is for the provision of 3 Gypsy and Traveller pitches and associated works including day rooms, parking, turning, septic tank and landscaping. Each pitch is proposed to have two caravans – a static and a tourer.



6. Planning Policy

Wiltshire Core Strategy (adopted Jan 2015):

CP47 – Meeting the needs of gypsies and travellers

Other:

National Planning Policy Framework July 2021 (NPPF)

Planning Practice Guidance (PPG)

Wiltshire Car Parking Strategy

Planning Policy for Traveller Sites August 2015

Gypsy and Traveller Accommodation Assessment (GTAA) June 2020.

Wiltshire Council Gypsy and Traveller DPD – Regulation 18 consultation closed on 9th March 2021.

7. Consultations

Bratton Parish Council: Objection.

The PC is seeking clarification as to whether the lack of receipt of consultation documents invalidates the grant of a previous planning permission. Members also identified some inconsistencies in the Case Officer's report (distance to village centre and the provision of mains electricity). The PC queried whether this affects the validity of the previous planning permission granted.

Members considered the application, having regard to the principles relating to the relevant Wiltshire Council strategy – Core Policy 47 (CP47):

1. Flooding, drainage and ground stability: ... request an appropriate survey be carried out before the application is determined, to see if the land is suitable for proposed development.

2. Vehicular and pedestrian access: noted that additional traffic will be generated as a result of the development.
3. Services - there is no mains electricity connected to the site.
4. Parking, residential amenity and play areas – no comment.
6. Impact on character and appearance of landscape and amenity of neighbouring properties – the potential noise and emissions from generators would have a negative impact on neighbouring properties; mitigating measures would need to be agreed.
7. Location of site, privacy, relationship to neighbouring residences and maintenance of existing and proposed hedgerows – no comment.
8. Scale and character – no comment.
9. Designation, adverse effect on river quality, biodiversity or archaeology – need to ensure that the method of waste disposal is appropriate to the site and will not have an adverse impact on the local environment.

Heywood Parish Council: Objection.

The application form for PL/2021/08566 is full of inaccuracies regarding the site and the surrounding area and should have been refused as a consequence and a resubmission made with the correct boxes ticked.

The application clearly does not meet with the Wiltshire Core Policy, CP47 'Meeting the needs of Gypsies and Travellers'. The policy states that "Where proposals satisfy the following general criteria they will be considered favourably" there are two stand out points where this application does not meet the criteria and therefore should not be considered favourably. They are:

- a. "It is served by a safe and convenient vehicular and pedestrian access. The proposal should not result in significant hazard to other road users"
- b. "It is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services"

The Parish Council would further request that an environmental survey is conducted to fully understand the impact of the nine areas of construction (3 per pitch) and the associated vehicular requirements, energy requirements and waste management.

Wiltshire Council Highways: No objection subject to condition

Wiltshire Council Spatial Planning: No objection

Wiltshire Council Drainage: No objection

8. Representations

The application was advertised by:

- site notice – 10th November 2021,
- publication to the Council's website,
- neighbour notifications, and
- notification of interested local organisations and parties.

The deadline for representations was 8 December 2021. This is a summary and does not purport to be a full recitation of all comments made.

22 letters of objection were received. The comments made are summarised as follows:

- Lack of visibility of the Site Notice
- Does not comply with CP47
- Highway safety
- Littering
- Over provision of Gypsy & Traveller sites in the area
- Ecology
- Noise from generators
- Potential damage to Grade II listed pillars
- Nitrate run off

9. Planning Matters

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

The Principle of Development

CP47 confirms that provision should be made for 66 permanent pitches for gypsies and travellers during 2011-2016. A further 42 permanent pitches should be provided over the period of 2016-2021. With regards to the North and West Housing Market Area 26 permanent pitches should be provided during 2011-2016 and 22 permanent pitches in 2016-2021. It states that for the North and West Housing Market Area (HMA) this proposal falls into, and for the period December 2016-December 2021, an additional 22 pitches are required. The Council's monitoring data shows that as of March 2022, this need has been met and exceeded.

The gypsy and traveller five-year supply statement which was published in 2019 states that the North and West HMA has a 12.3 year supply of pitches as of January 2018.

The emerging Gypsies and Travellers Plan is at an early stage in the plan-making process. Wiltshire Council consulted on the intention to prepare a Gypsy and Traveller Development Plan Document between 13 January and 9 March 2021. To inform the development of the Plan, the Council has now published a new Gypsy and Traveller Accommodation Assessment (GTAA) on its website, dated March 2022. The GTAA now forms the most recent and up to date assessment of need and will inform the emerging Plan. For the period 2022-38 the report proposes a requirement of:

- 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.

All findings are expressed for the whole of Wiltshire Council.

There is no evidence of need at this site as no contact could be made with the occupants during the fieldwork. The application does not provide any evidence of need at the existing site.

PPTS para 11 states that where there is no identified need, but proposals come forward nevertheless, they should be assessed against the locational criteria in the development plan. In Wiltshire, Core Policy 47 in the adopted Core Strategy provides these:

CP47 continues to say that proposals for new pitches will only be granted where there is no conflict with other planning policies and where no barrier to development exists. It then goes on to provide a set of criteria which is as follows:

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

The proposed development is situated in Flood Zone 1. Furthermore, the site in question already has planning permission for a personal gypsy site albeit with a personal tie.

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

The site will be safely accessed via the existing access but there are no pedestrian accesses to or from the site.

iii. the site can be properly serviced and is supplied with essential services, such as water, power, sewerage and drainage, and waste disposal.

The site is serviced by mains water. Foul drainage is dealt with by means of a septic tank. A mains power connection would of course be desirable in the interest of sustainable development but cannot always be viably achieved for a number of reasons, including long distance to nearest connection points or because no wayleave consent can be obtained from third parties.

As national planning policy affirms that traveller sites can be acceptable in open countryside away from settlements (or grid connections), off-grid solutions can be supported. A solar installation (with back up) is welcomed as it is not just diesel generators that are used to provide power to the development.

iv. the site must also be large enough to provide adequate vehicle parking, including circulation space, along with residential amenity and play areas

The site includes adequate parking and circulation space, as well as informal areas for play.

v. it is located in or near to existing settlements within reasonable distance of a range of local services and community facilities, in particular schools and essential health services

The site lies 2.4km north-west of the centre of Bratton Village where there is a post office, doctors, pre-school, recreation ground and a public house. The site is also approximately 4.8km north-east of the market town of Westbury which has schools, supermarkets and employment as well as other essential services. However, there is no public transport in this location so trips would a most likely to be taken by private car. A public right of way known as BRAT28 runs adjacent to the application site.

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

Planning Policy for Traveller Sites (PPTS)- Policy C and paragraph 25 states that:

“local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure”.

From a planning policy perspective any impacts on the nearest settled community would have to be relevant in planning terms. By setting respective policy (PPTS Policy C), the Government acknowledges in principle that traveller sites can come forward in countryside locations. The site itself is well screened by mature hedgerows and trees and is an existing site that does not impact on the amenity of neighbouring properties or the wider landscape.

vii. adequate levels of privacy should be provided for occupiers

The location of the site, its relationship to neighbouring residences, and the maintenance of existing and proposed hedgerows will ensure that the occupiers are provided adequate levels of privacy.

viii. development of the site should be appropriate to the scale and character of its surroundings and existing nearby settlement

The proposal is appropriate to the scale and character of its surroundings due to it being an existing site.

ix. the site should not compromise a nationally or internationally recognised designation nor have the potential for adverse effects on river quality, biodiversity or archaeology.

The site does not fall within any such designations.

The proposal is therefore considered to comply with CP47.

Impact upon the Area

From a planning policy perspective any impacts on the nearest settled community would have to be relevant in planning terms. By setting respective policy (PPTS Policy C), the Government acknowledges in principle that traveller sites can come forward in countryside locations. The site itself is well screened by mature hedgerows and trees and is an existing site that does not impact on the amenity of neighbouring properties or the wider landscape.

Neighbouring amenity

The proposal is appropriate to the scale and character of its surroundings due to it being an existing site.

Highway Impacts

The site will be safely accessed via the existing access but there are no pedestrian accesses to or from the site. Wiltshire Council Highways officer has no objection subject to conditions.

10. Conclusion (The Planning Balance)

The site has been an established gypsy & traveller site since 2007. The benefits of the proposed development is that the site could contribute to the supply of traveller sites in

Wiltshire. The proposal is considered to comply with CP47. This is accorded substantial weight.

The potential harm arising from the proposals arise from effects on:

- Impact upon the Area and neighbouring amenity

The site itself is well screened by mature hedgerows and trees and has been an established gypsy & traveller site since 2007 that does not adversely impact on the amenity of neighbouring properties or the wider landscape. The proposal is appropriate to the scale and character of its surroundings due to it being an existing site. This is accorded neutral weight.

- Highways

The highways officer has confirmed no objection subject to conditions.

Overall Balance

On balance, it is considered that the adverse impacts identified do not substantially and demonstrably outweigh the benefits that the development would provide. Therefore, in accordance with the provision of paras 11 and 12 of the framework permission is recommended.

RECOMMENDATION

That planning permission be granted, subject to planning conditions.

Conditions –

- 1 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

- 2 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

- 3 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.

- 4 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.

- 5 No controlled waste shall be burnt on site.

REASON: In order to minimise nuisance.

- 6 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.

- 7 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

- 8 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

This page is intentionally left blank

Wiltshire Council

PL/2021/08566

Land West of Penn Farm,
Capps Lane, Heywood, BA13
4NF



© Crown Copyright and Database Rights 2017 Ordnance Survey
100049050

1:5,000



390095E 153526N m

© Crown Copyright and Database Rights 2022 Ordnance Survey Licence No 100049050

This page is intentionally left blank