

**REPORT OUTLINE FOR AREA PLANNING COMMITTEES****Report No.**

<b>Date of Meeting</b>	20 April 2016
<b>Application Number</b>	15/07244/FUL
<b>Site Address</b>	Land At Moor Lane Farm Minety Wiltshire
<b>Proposal</b>	Proposed Construction of Solar Farm Comprising Solar Arrays, Inverters, Transformers, Equipment Housing, Security Fencing, CCTV Cameras, Internal Tracks & Ancillary Equipment.
<b>Applicant</b>	Rochester
<b>Electoral Division</b>	MINETY – Chuck Berry
<b>Grid Ref</b>	402653 191552
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Mathew Pearson

**Reason for the application being considered by Committee**

The application has been called in to Committee by Cllr Berry, in order to consider the scale of development and its impact upon the surrounding area.

**1. Purpose of Report**

To consider the above application and recommend that planning permission is Approved with Conditions.

**2. Report Summary**

The main issues in considering the application are:

- Principle of development
- Impact on the landscape and visual appearance of the area
- Impact on the setting of the designated heritage asset
- Impact on site ecology
- Impact on highway safety
- Impact on flooding

**3. Site Description**

The application site is located at Lower Moor, just to the north of Minety. The site is entirely pasture land and comprises two fields with a total area of approximately 9.2 hectares. The site slopes gently from north to south and is enclosed by mature hedgerows and tree belts with a water course at the southern end. A Right of Way runs across the site. To the south of the site a railway line runs from east to west and the village of Minety lies beyond this about 0.5 miles away. A minor road lies to the south of the site linking Lower Moor to the B4696 and Ashton Keynes approx. 1.5 miles to the north east.

The site lies some 6 miles east of the Cotswolds Area of Outstanding Natural Beauty just south of the Cotswold Water Park. The site lies at the eastern end of landscape character area 05: Minety and Malmesbury Rolling Lowland' and to the north of landscape character area '11B: Minety Rolling Clay Lowland. Historically this area was part of Braydon Forest (royal hunting forest), but unlike Braydon Forest this landscape character area has been continuously occupied by man. It retains a largely medieval field pattern with copses and

small woodlands remaining in a number of locations. The existing landscape character of this area is derived from the combination of gentle topography, the patchwork of small irregular fields, mature hedgerows and large oaks. To the east and west of the site are a number of designated heritage assets all of which are Grade II listed farmhouses. The nearest is Lower Moor Farm to the west

#### **4. Planning History**

13/06231/FUL	Change of Use of Agricultural Land & Buildings to Equestrian & Creation of Menage & Horse Walker. – This application is for the field to the east of the site and was approved with conditions.
15/07109/SCR	Screening Opinion Request for Proposed Solar Photovoltaic Farm - Environmental Impact Assessment was not required

#### **5. The Proposal**

The proposed development involves the installation and operation of a solar park, with associated infrastructure and equipment. The solar park will have a peak output of approximately 4.5MW. The plans show a series of typical elevations for solar infrastructure. The solar panels will measure 2.9m high at their highest point, with a series of inverter and transformers (2.5m high) located around the site. The panels are mainly sited to the east of the Right of Way (RoW) in the southern field and to the west in the northern field. Access to the site is located to the south with larger infrastructure located at this location including two 3.5m high substations and a 5m satellite pole. Security fencing (2m high) is proposed around the site and alongside the RoW and will be screened by enhancements to existing hedgerows and new planting either side of the RoW. A permanent road will be located to the western side of the site which will cross the RoW and be gated at this point.

The application was accompanied with the following documents;

- Agricultural Land Report
- Construction Method Statement
- Cumulative Impact Statement (an addendum to the LVIA)
- Design and Access Statement (DAS)
- Flood Risk Assessment
- Historic Environment Desk-Based Assessment
- Landscape and Visual Impact Assessment (LIVA)
- Planning Statement
- Preliminary Ecological Assessment

Following a request for further survey work from the Council's Ecologist further assessment was carried out and Habitat and Species Assessment was submitted. During this time the applicant also revised the Construction Environmental Method Statement (CEMS) and provided a draft Landscape and Ecology Mitigation Plan (LEMP) in order to overcome various issues identified by Officers. These matters would normally be address as pre-commencement conditions on the site provided it has been demonstrated that any harm identified can be overcome. Further work is required to finalise both the CEMS and LEMP and this reports recommends that these documents form pre-commencement conditions.

#### **6. Local Planning Policy**

#### **7. Summary of consultation responses**

**Minety Parish Council** - Object as there is a change of use from agricultural land to industrial land and a loss of grazing land, which is in short supply in the area. The plan makes no acknowledgement of flooding along the proposed route of cabling. There is a lack of access to the site for heavy goods vehicles as all connecting roads are single track and

have weight restrictions. The proposed feeder route is impractical and will damage the fabric of the local infrastructure.

**Wiltshire Council Conservation** - The application features a solar array in two fields to the east of Lower Moor Farm, north of Ashton Road. From the conservation point of view my initial comment would be that the Sightline landscape and Visual Appraisal plan is incorrect in that it fails to identify Lower Moor Farm as listed.

The site appears quite well screened from the road, however the southern stretch of the western site boundary, which is the closest to the listed farm and its farmstead, appears to consist of a fence only. Although there is some planting along the edge of the farmstead I consider that, to avoid harm to the farmstead setting, the site boundary will need to be planted up.

Whilst a new hedge is proposed on this line it is stated in the supporting documents that these new hedgerows will take six to seven years to reach maturity. I consider that this is too long a period during which there will be harm to the setting of the listed building.

**Wiltshire Council Ecology** - It is expected that any permission granted would be subject to a standard pre-commencement condition for approval of a Construction Environmental Management Plan. This standard condition should be modified to include the following measures:

- Protection measures for hedgerow, woodland and other habitat features
- Methods to avoid and minimise impacts on retained grassland;
- A Precautionary Method of Working for the protection of great crested newts/amphibians, including timing of construction works (November-March inclusive);
- Prevention of pollution to watercourses;
- Pre-commencement bat surveys of the mature willow tree
- Measures to avoid impacts upon breeding birds and their nests

A pre-commencement approval of a LEMP should also be conditioned:

*Prior to commencement of development a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall be in accordance with the recommendations of the submitted habitat and Species Assessment (Windrush Ecology, 2015), and shall include the following measures:*

- *Creation and maintenance of ponds;*
- *Sowing and subsequent management of grassland;*
- *Management of hedgerows;*
- *Management of watercourses;*
- *Management of woodland, including habitat enhancement to compensate for loss of plantation woodland; and*
- *Ecological monitoring*

*The application site shall be maintained in accordance with the measures prescribed in the LEMP for the operational lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.*

**Wiltshire Council Highways** – I consider that the construction traffic routing should be outlined. The routing should be via the B4040. With regard to the access, I require a drawing demonstrating the visibility at the access in both directions. This may require

hedge trimming and vegetation removal, I consider that a visibility splay of 2.4m x 43m should be demonstrated.

Please note that a construction traffic management plan will be required but can be conditioned, it will need to cover the following:

- Condition surveys
- Car parking compounds and turning facilities
- Wheel washing facilities
- Chapter 8 signage
- Banksman

**Wiltshire Council Environmental Health** - The proposal is for a solar farm and all ancillary works North of Minety. The nearest dwelling has been identified in the Design and Access Statement as Lower Moor Farm and there are also other dwellings on the Southern and Western site perimeters. It is anticipated construction will take ten weeks, however this is based on 7 day a week working and deliveries over relatively long hours for six days of the week.

The construction will involve approximately 15 deliveries a week (again currently planned for 7 days) of piling with an anticipated noise level not exceeding 80dB. The proposed site is in a largely rural area where it is anticipated background noise levels are likely to be low, therefore any abnormal noise is likely to be more noticeable.

The construction method statement makes provision for the control of dust and mud and therefore I have no further comments regarding this aspect. It also discusses artificial light and states this will only be used between 07:00 and 19:00 where necessary. This is unlikely to cause serious light pollution so again I have no concerns about this.

My main concern relates to noise as solar farms have a history of occasioning noise nuisance complaints both during construction and if there is any generator usage as an interim measure prior to full connection of the solar power to the grid. I will be looking for adequate consideration of potential noise and for suitable acoustic enclosures to be utilised as necessary to attenuate this. Once connected, I would agree it is less likely there will be noticeable noise.

I am also concerned about the proposal to work 7 days a week for noisy works and for 6 full days of deliveries as this is likely to have a significant impact on nearby dwellings and may restrict the ability of the occupants to enjoy their property and gardens. This could then lead to complaints of noise nuisance.

Given that it is accepted construction work is inherently noisy, it is my opinion that a construction hours condition is necessary as below:

No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. I would also seek a deliveries condition to restrict this to the same hours in the interests of reducing disturbance to nearby dwellings.

**Wiltshire Council Landscape** - Generally I accept the findings and conclusions of the submitted LVIA. The low height of proposed development, the enclosing characteristics of the site and the local landscape context, in combination with the reversible nature of development leads me to concur that the potential for major adverse landscape and visual effects arising from proposed development are limited to the confines of the site itself. I do not consider the resulting landscape and visual change effects to be harmful to wider

landscape character or visual amenity in this instance. Likewise I also conclude that there is very limited potential for cumulative effects both in terms of accumulation of effects on landscape character or fixed and sequential visual cumulative effects with other solar developments, either constructed, consented or currently being considered within planning.

However, there are a number of unresolved, or inadequate design and management considerations, which will require the existing 'landscape masterplan' to be revised, or a number of carefully worded planning conditions attached to any planning consent the LPA may be minded to grant.

**Wiltshire Council Drainage** – No Objection - Lower Moor Farm, Minety, in fact all of Minety is a village that from an engineering point of view, I like to keep under scrutiny. The drainage is poor and the strata is clay so anything likely to affect the drainage is of interest.

This council have remodelled some of the existing drainage ditches irrespective of ownership and the ability of the land downstream of Lower Moor has improved for the best part of 2 kilometres. Fortunately solar farms do not interfere with the existing land drainage in any real sense, rainwater falling momentarily on the solar panels before continuing its journey to the grassed field below. I consider that this application will not alter the drainage status quo and I can therefore support it.

### **Campaign to Protect Rural England**

We have concerns with this application which are as follows:

1. The effect on a public footpath and the loss of permanent pasture in a very rural area which in the words of the Planning Statement on the site is " characterised by small pastoral fields well enclosed by hedges and trees." The incarceration of the footpath within a 4m wide corridor which will result in a tunnel of somewhat less than 3m when the hedges planted on the path side are fully grown. This tunnel, 6'6" of industrial steel mesh, painted black, will be entirely visible until the hedges grow higher than the fence. Public Rights of Way receive very little attention and in the interests of the public amenity for local people they should be made as attractive and welcoming as possible. The treatment proposed for MINE 34 does not do so. The winter, leafless, period when the whole site will be visible will cover at least 5 months. New planting will not change this. The industrial effect of solar panels will be clear to see. The LVIA refers to adverse effect for the footpath users, but states it is only temporary. This permission would be for 31 years which cannot be considered to be temporary.

2. What is proposed is the equivalent of one generation's loss of permanent pasture. Fields wholly in keeping with the surrounding agricultural landscape and natural home to a diverse variety of wildlife. These fields could be more intensively farmed and productive without loss of local rural character. Lost for a small gain in electricity.  
Cumulative Effect.

3. Have the landscape planners recognised the full meaning of cumulative effect? Has an up to date view been taken of 'accumulation'? These are set out in their own professional guidelines. There are two permitted solar farms within the vicinity.  
We object to this application for the reasons given above.

### **8. Publicity**

5 Objections were received to the application. Issues highlighted by objectors included:

- Flooding Risk and increased flooding on adjacent sites, and risk of pollution to local watercourses especially during construction phase.
- Effects on the footpath from security fencing and potential increases in crime.
- Not focusing on non-agricultural land or land which is of lower agricultural quality.

- Impacts on the local landscape and significant harm to the intrinsic character and beauty of this part of the countryside.
- Observations that there was no Ecology plan to manage the area and that the report by Ramm Sanderson Ecology Ltd which is not independent. The proposals do not continue agricultural use or include biodiversity measures incorporated in their plan.
- The impact on nearby businesses and neighbours this proposed site. There is no local benefit in a decrease in energy prices or employment potential if fed straight into the National grid.
- Transport concerns regarding access, safety and routing as it will be necessary to access via routes that have a 7.5 weight limit.
- During construction local people will experience severe disturbance and the surrounding roads do not have the capacity in structure or infrastructure to support the necessary traffic required. There is no information regarding Educational opportunities. However, should this arise it would have a short shelf life.
- Returning the land to its former use in 25-31 years' time is an invalid commitment.

## **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.

### **Principle of development**

In principle, new renewable energy projects are supported by local and national planning policy with a strategic commitment to decentralising energy production and meeting climate change targets. The Wiltshire Core Strategy contains a "Strategic Objective" to address climate change (Strategic Objective 2) as well as Core Policy 42 (Standalone renewable energy installations) which directly reflects the national policy picture. Core Policy 42 state that projects such as this will be supported subject to resolution of all site specific constraints, including any cumulative effects.

Paragraph 98 of the National Planning Policy Framework (NPPF) and Core Policy 42 make it clear that applicants do not have to demonstrate a need for renewable energy schemes, as justification and the onus is to approve all such applications where the adverse impacts have been adequately mitigated. At the heart of the decision making process as set out by the NPPF is a presumption in favour of sustainable development. It goes further to identify that planning plays a key role in securing radical reductions in greenhouse gas emissions which is central to achieving the economic, social and environmental dimensions of sustainable development. Proposals for the generation of energy from renewable sources are in principle supported by national policy due to their contribution to sustainable development, meeting the challenges of climate change, air quality and fuel security. Policy asserts that such applications should be encouraged and any application be approved if its impacts are or can be made to be acceptable.

Planning Practice Guidance (PPG) and further guidance in the form of the Written Ministerial Statement from 25<sup>th</sup> March 2015 provide further specific advice on situations where green-field sites are proposed. Particularly relevant is "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. High quality agricultural land is divided into 5 categories with grade 3 subdivided into subgrade 3a and 3b. Natural England's Technical Note TIN049 as well as Annex 2 of the NPPF confirms that grades 1, 2 and 3a comprise the best and most versatile agricultural land.

The applicant has stated that the agricultural land is grade 3b but the Council's own mapping systems show the site to be grade 4. The discrepancy between the Council and applicant is noted, but in either case the site is not the best and most versatile agricultural land. In principle, and with specific reference to ministerial guidance, the site is an area of Greenfield agricultural land considered an appropriate location for solar development provided all site specific issues can be properly addressed or mitigated.

Core Policy 42 and the NPPF/PPG set out a series of issues that may be relevant to the determination of an application for renewable and/or solar technologies. Considered particularly relevant to this application is the visual impact and the effect on the landscape and the conservation and heritage of designated heritage assets. These issues and other matters are set out further in the following paragraphs

### **Landscape and Visual Impact**

The application is accompanied by a Landscape and Visual Impact Assessment (LVIA) together with an addendum to the LVIA which considers the potential for cumulative effects likely to arise from planned development in combination with other solar developments (consented or currently in planning) within a 5km area of search radiating from the centre of the application site. In the opinion of the Council's Landscape Officer the only significant negative visual effect which is likely to result from development, will be experienced by users of footpath MINE 34 & MINE 34A which pass through the application site. The wider views in to the site are limited by the existing mature vegetation and the close nature of the surrounding countryside. This provides the development with a good level of containment and ensures that impacts are not wide spread beyond the immediate site.

The LVIA makes a number of recommendations to help mitigate the minor and moderate effects identified to result from the development proposal. These are outlined at Section 7.2 and 7.3 and are illustrated in the accompanying 'Figure 7 - Masterplan'. However, the Council's Landscape Officer has commented that in his opinion the scheme will benefit from revisions to accommodate appropriate maintenance strips to ensure existing hedgerows can be maintained during life of development and also to take the opportunities available to deliver additional landscape objectives identified within the local landscape character assessments. The applicant has committed to providing a minimum 5m wide buffer zone between the existing hedges and the solar farm fence, to provide sufficient space for maintenance. This is currently set out in the draft Landscape and Ecology Management Plan (LEMP). The LEMP forms a pre-commencement condition and the above matters will need to be agreed by way of discharge of conditions of the LEMP.

In terms of the footpath, the Council's Right of Way team are satisfied with the proposal and are happy that sufficient space has been left to retain and maintain the existing footpath. At the current time it is considered that the protection of the existing line of the footpath is acceptable and the development is providing sufficient mitigation in order to protect this feature. Nevertheless, in line with the recommendations of the Landscape Officer and the noted objections from various consultees, the applicant has expressed a willingness to attempt re-route the Right of Way (RoW). Unfortunately this is not required in terms of planning and can be a lengthy process that is susceptible to delays. It is not considered that re-routing of the RoW is required and that suitable mitigation is proposed as part of this application which will be finalised and secured through the LEMP.

Concerns have been raised by the Parish and Council's Landscape officer about the proposed cable routes. There are two potential cable routes proposed- a short route 20m to the overhead pole to the north of the site and a longer route alongside the highway, roughly around 1 mile long that would connect the development directly to a substation to the north west of the site. The applicant has explicitly stated that any route along the side of the highway will be entirely underground and will also use boring technology to pass under the

watercourse it needs to cross. The applicant is waiting for Southern and Scottish Electric to confirm which connection they prefer. This will be suitably conditioned with full details provided at the point the decision is taken on which will be the final route. This will need to include details of any effects on the watercourse and/or highways in this location.

Overall, the loss of a Greenfield site would result in some harm to the character and appearance of the area. There would be adverse visual effects and to this extent the proposed development would not accord with Core Policy 51 which seeks to protect and conserve landscape character. On the other hand the negative impacts would be mitigated as far as possible, as required by the policy, through the inclusion of structural landscape features in line with the recommendations of the LVIA. The extent of visual impacts would not be widespread and there would be only limited harm to the landscape setting of immediate area. Detailed issues such as maintenance strips and treatment of the RoW will be addressed as part of the LEMP and is suitably conditioned

### **Conservation of Designated Heritage Assets**

There are three listed buildings in the vicinity of the site. There are two Grade II listed farmhouses to the east of the site. There is enough distance between these properties and the site, with a number of intervening landscape and built development features to ensure that there is no indivisibility with these properties and the site. It is considered that there is no impact on the setting of these properties.

Lower Moor Farm to the west of the site, also a Grade II listed farmhouse, does have some indivisibility with parts of the proposed site. Some filtered views of the upper storey and roofs of listed buildings located within the Lower Farm farmstead are possible from the application site. The application site is separated by a small grass paddock with a timber post and rail / wire fence. The majority of the farmstead and associated listed buildings are screened by intervening trees, some modern farm outbuildings and a hedgerow running along the eastern edge of the farmstead site. Nevertheless, the development will have an impact on the view to and from the farmstead and thus the setting of this designated heritage asset. It is considered that this impact will be less than substantial and in line with paragraphs 131, 132 and 134 of the NPPF and Core Policy 48. Where a development proposal is likely to have some harm to a designated heritage asset the public benefits of the scheme should be weighed against the impact.

Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is clear that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall 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. This issue of harm and public benefit in regards to the NPPF is explored in more detail in the conclusion. The Council's Conservation Officer is satisfied that mitigation in the form of further hedgerow tree planting on the south western boundary of the site will further help to protect and conserve the setting of Lower Moor Farmhouse. Overall given the existing setting of Lower Moor Farm and the opportunity to provide suitable mitigation it is considered that the proposed development will not fundamentally undermine the significance of Lower Moor Farm. The harm to the setting is able to be suitably mitigated and the Council's Conservation Officer has no objection to the scheme. Nevertheless, some harm is identified and this must be weighed up in the planning balance. This harm weighs against the proposal.

### **Ecology**

The preliminary assessment submitted with the application in September was not considered to provide the level of information required to enable the Council to make a decision on the application. Following the submission of a further full Habitat and Species Report the Council's Ecology Officer has no objections to the scheme subject to the satisfactory

finalisation of an appropriate LEMP in order to ensure that mitigation measures proposed in the report are secured.

The Habitat and Species report includes broad recommendations for the construction phase including protection of trees / hedgerows, grassland and watercourses from damage, and measures to avoid impacts upon great crested newt, bats and birds. Onsite ponds and ditches have been assessed as unsuitable / sub-optimal for great crested newt. Offsite ponds have still not been assessed for the presence of this species, however it is assumed that they are breeding in nearby ponds and therefore likely to be present within terrestrial habitats within the site. The recommendations (above) of the Ecology Officer will form part of the discharge of the LEMP and the Council is already in dialogue to secure.

### **Impact of Highway**

A number of objectors have raised concerns in regards to the construction phase of the scheme and the effect on local roads. The Council has worked with the applicant to secure a revised route for construction traffic and this will be included in the updated Construction Environmental Management Plan CEMP. The revised route will be a one-way circular route to ensure that there are no conflicts in traffic movements. This route will use the Spine Road west to the north and enter the site via the B4696 and Ashton Road, exiting the site vehicles will travel through Minety via Sawyers Hill to the B4040, and then travel back along the B4696 to the Spine Road. Further restrictions for exiting vehicles will occur during school pickup/drop off times. Further details will be required in the CEMP to mitigate construction traffic as part of the application in order to minimise the damage to roads in the area. As part of this a condition survey will ensure that roads are suitably repaired if damaged during construction. This will also need to include plans demonstrating suitable visibility splays. This will be conditioned separately

### **Flooding**

A number of objections have mentioned flood risk. The Council's Drainage Officer has stated that in his opinion Solar Parks such as this one have no material effect on run-off rates. The application is accompanied by a full Flood Risk Assessment (FRA). The FRA recommends that the site uses a SUDS system and that a wet scrape is provided to the south of the solar farm on land between the watercourse and the development. These recommendations will ensure that the speed with which water enters the water course at south of the site will be further reduced. These recommendations are currently part of the draft LEMP and will be finalised during the discharge of this document.

### **Other matters**

A number of objectors have commented on the 'industrialisation' of pasture land. The planning statement sets out that it is the intention to continue to graze and that the panels will be designed so that the land underneath remains grass. The application will be conditioned to so that at the end of the lifetime of the solar panels (31 years) the site will be decommissioned and returned to pasture. Recent decisions issued by the Secretary of State have given very limited weight to 'temporary' nature of this use. However, as stated in the principle of development above, the site is not 'best and most versatile' agricultural land and the proposals includes options to graze and provide limited agricultural use on the land.

Comments with regard to noise and pollution have highlighted concerns particularly around the construction stage of the development. The submitted CEMP has suitable plans for noise and pollution and it is not considered that this is likely to be a major issue during the operation. During construction pollution prevention methods are proposed. The applicant will need to adhere to the construction timings put forward by the Environmental health team in order to ensure there is no public nuisance in terms of noise and anti social hours.

Comments regarding crime are noted. However, the site includes secure fencing and CCTV and has taken reasonable steps to prevent any crime on the site.

#### **10. S106 contributions**

None

#### **11. Conclusion (The Planning Balance)**

It is considered that the proposed development as a whole contributes towards acknowledged sustainability objectives and as such is inherently justified in principle. The development would not result in the loss of high quality agricultural land, the land can still be used for the grazing of livestock and a comprehensive landscape and ecological assessment has been undertaken that demonstrates that the proposed solar park would not harm any protected species or have highly detrimental visual impact. It is considered that suitably worded planning conditions can adequately control any potential impact and ensure the correct mitigation is secured.

The assessment of the application has identified that less than substantial harm will occur to a designated heritage asset. However, it is considered that suitable mitigation is able to further limit this harm. Although less weight can now be applied to the temporary nature of the proposal, the site is still limited to a 30 year operation and after that time the land will be returned to its form state and the impact on the setting of Lower Moor farm will cease to exist. The overall benefits of scheme in terms of sustainable development and reducing carbon emissions, alongside the limited value of the site in terms of being the best and most versatile agricultural land means that it is considered that the public benefits of scheme outweigh limited harm to a designated heritage asset in this instance.

Accordingly, the scheme is recommended for approval.

#### **RECOMMENDATION**

Approve with 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:

Plans

Location Plan Drawing No: D03 (July 2015)

Array Cross Section Plan Drawing No: D04 (July 2015)

Prefabricated Housing DNO Switchgear Plan Drawing No: D05 (July 2015)

CCTV Pole Elevation Plan Drawing No: D06 (July 2015)

Fence 7 Gate Elevation Plan Drawing No: D07 (July 2015)

Inverter & Transformer Elevation Plan Drawing No: D08 (July 2015)

Substation Elevation Plan Drawing No: D09 (July 2015)

Satellite Pole Elevation plan Drawing No: D10 (July 2015)

Storage Container Elevation Plan Drawing No: D11 (July 2015)

Cable Route Plan Drawing No: D12 (July 2015)

#### Reports

Habitat and Species Report by Windrush Ecology Nov 2015

Planning Statement by DLP Planning July 2015

Flood Risk Assessment by H2O July 2015

Landscape and Visual Impact Assessment by Sightline Landscape July 2015

Design and Access Statement By DLP Planning July 2015

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

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

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- means of enclosure;
- car park layouts;
- other vehicle and pedestrian access and circulation areas;
- all hard and soft surfacing materials;
- minor artefacts and structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

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

- 4 All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the commencement of development; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

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

- 5 The mitigation measures of SUDs and a Scrape detailed in the approved Flood Risk Assessment (FRA) [July 2015 / J-5489-CFM / H2OK] shall be carried out in full prior to the first bringing into use of the development in accordance with the approved timetable detailed in the FRA.

REASON: In the interests of flood prevention.

- 6 The mitigation measures in accordance with the recommendations of the submitted Habitat and Species Assessment (November 2015/ Windrush Ecology 2015) shall be carried out in full prior to the first bringing into use of the development in accordance with the approved timetable detailed in the Ecological Assessment.

REASON: To mitigate against the loss of existing biodiversity and nature habitats.

- 7 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- a) Description and evaluation of features to be managed;
- b) Landscape and ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over an 30 year period;

- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

The LEMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body/ies responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, priority

- 8 No development shall commence on site (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include, but not necessarily be limited to, the following:
- a) Risk assessment of potentially damaging construction activities
  - b) Identification of 'biodiversity protection zones'
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
  - d) The location and timing of sensitive works to avoid harm to biodiversity features including
    - " Protection measures for hedgerow, woodland and other habitat features
    - " Methods to avoid and minimise impacts on retained grassland;
    - " A Precautionary Method of Working for the protection of great crested newts/amphibians, including timing of construction works (November-March inclusive);
    - " Prevention of pollution to watercourses;
    - " Pre-commencement bat surveys of the mature willow tree
    - " Measures to avoid impacts upon breeding birds and their nests

- e) The times during construction when specialists ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s)
- h) Use of protective fences, exclusion barriers and warning signs.
- i) Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

A report prepared by a competent person(s), certifying that the required mitigation and/or compensation measures identified in the CEMP have been completed to their satisfaction, shall be submitted to the Local Planning Authority within 3 months of the date of substantial completion of the development or at the end of the next available planting season, whichever is the sooner.

REASON: To ensure adequate protection, mitigation and compensation for protected species, priority species and priority habitats.

- 9 No development shall commence on site until details of the external finish and colour, including any paint to be used externally on the Fencing, Security Cameras, Inverter Substation, DNO Connection Substation, Auxiliary Transformer and Connection Substation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use.

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

- 10 No development shall commence on site until full details of the proposed cable route have been submitted and approved in writing by the Local Planning Authority. This will include any details of access and works to third party/public land. The permitted development will only provide a single access route as identified in the scheme.

REASON: In the interests of amenity and to protect from unnecessary noise and disturbance from the site.

- 11 No development shall commence on site until details of demonstrating visibility splays of 2.4m by 43m in both directions have been provided. Such splays shall thereafter be permanently maintained free from obstruction to vision.

REASON: In the interests of highway safety.

- 12 A condition survey of the highway network relating to the access routes to the site (between the B4969 at its junction with the Ashton Road and Ashton Road and Sawyers Hill at its junction with B4040) shall be carried out prior to the

commencement of the works, the survey shall be carried out by the applicant in conjunction with the highway authority, in compliance with Section 59 of the Highways Act, to ensure that as a result of the proposal the existing condition of the highway network is maintained. This shall be submitted to an approved in writing by the local planning authority prior to the commencement of development. If as a result of the construction phase damage to the highway network has been identified, within 3 months of the identification of the damage, the works shall be remedied.

REASON: In the interests of maintaining the existing condition of the highway network

13 A 'Construction Traffic Management Plan' shall be submitted and approved in writing by the LPA prior to commencement of development. The details shall include:

1. Deliveries from HGVs shall take place between the hours of 10am-3.30pm. To avoid the peak hour traffic conditions on the A3102 in this location.
2. Wheel washing facilities and measures to prevent mud and other debris entering highway.
3. Signage / traffic management in relation to construction of the access.
4. Details of banksman to manage all HGV deliveries.
5. A programme shall for all HGV deliveries to ensure that there is no stacking on the highway or adjacent network.

Development shall be carried out in accordance with the approved details prior to the development being first brought into use.

REASON: In the interests of Highway safety

14 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 spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", 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.

15 The detailed landscaping plans to be submitted pursuant to condition no. 3 shall include a plan at not less than 1:200 scale, showing the position of any trees proposed to be retained and the positions and routes of all proposed and existing pipes, drains, sewers, and public services, including gas, electricity, telephone and water. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or of any Order revoking and re-enacting or amending that Order with or without modification), no services shall be dug or laid into the ground other than in accordance with the approved details.

REASON: To ensure the retention of trees on the site in the interests of visual amenity.

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

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

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

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

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

[In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years

- 17 Following completion of Construction no materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site.

REASON: In the interests of the appearance of the site and the amenities of the area.

- 18 The Local Planning Authority shall be notified in writing within one month of the event that the solar array hereby approved has started to feed electricity to the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 31 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

REASON: In the interests of amenity and the finite operation of this type of development.

- 19 Within six months of the commencement on site, a scheme for the decommissioning and restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include how the land will be restored back to fully agricultural use upon the development no longer being in operation or upon the expiry date of 30 years from the date of the development starting to feed electricity to the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition

- 20 INFORMATIVE TO APPLICANT:

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.

- 21 INFORMATIVE TO APPLICANT:

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.

- 22 INFORMATIVE TO APPLICANT:

Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.