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.

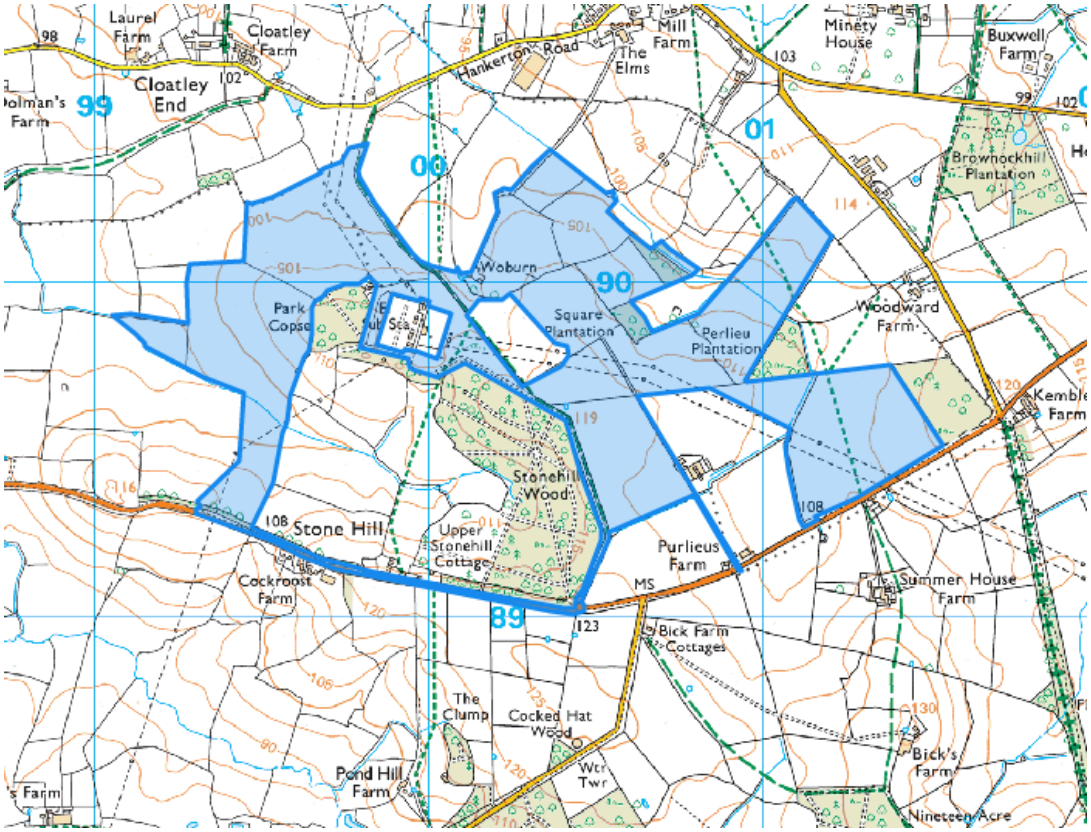
While Charlton Parish Council has no objection subject to conditions, Hankerton and Minety Parish Councils object to the proposed development.

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.

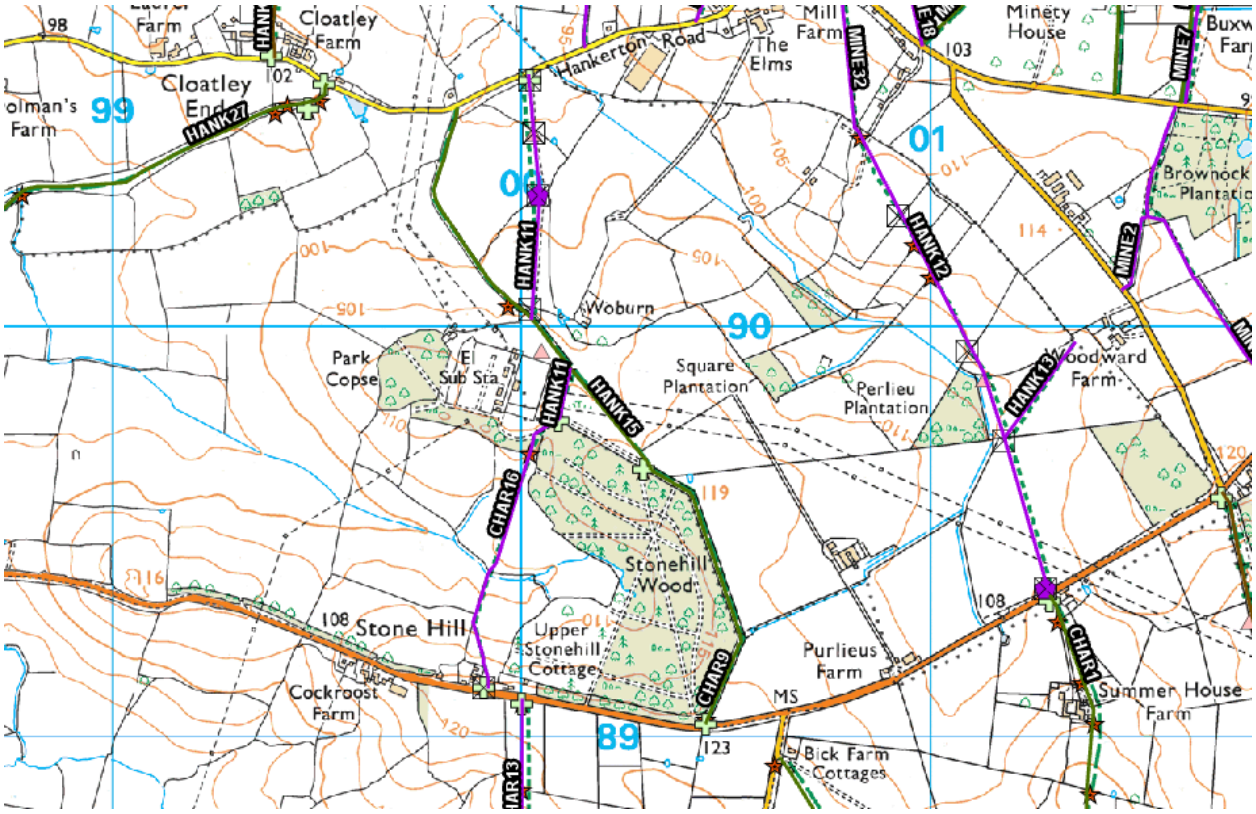
3. Site Description

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).



Rights of Way

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

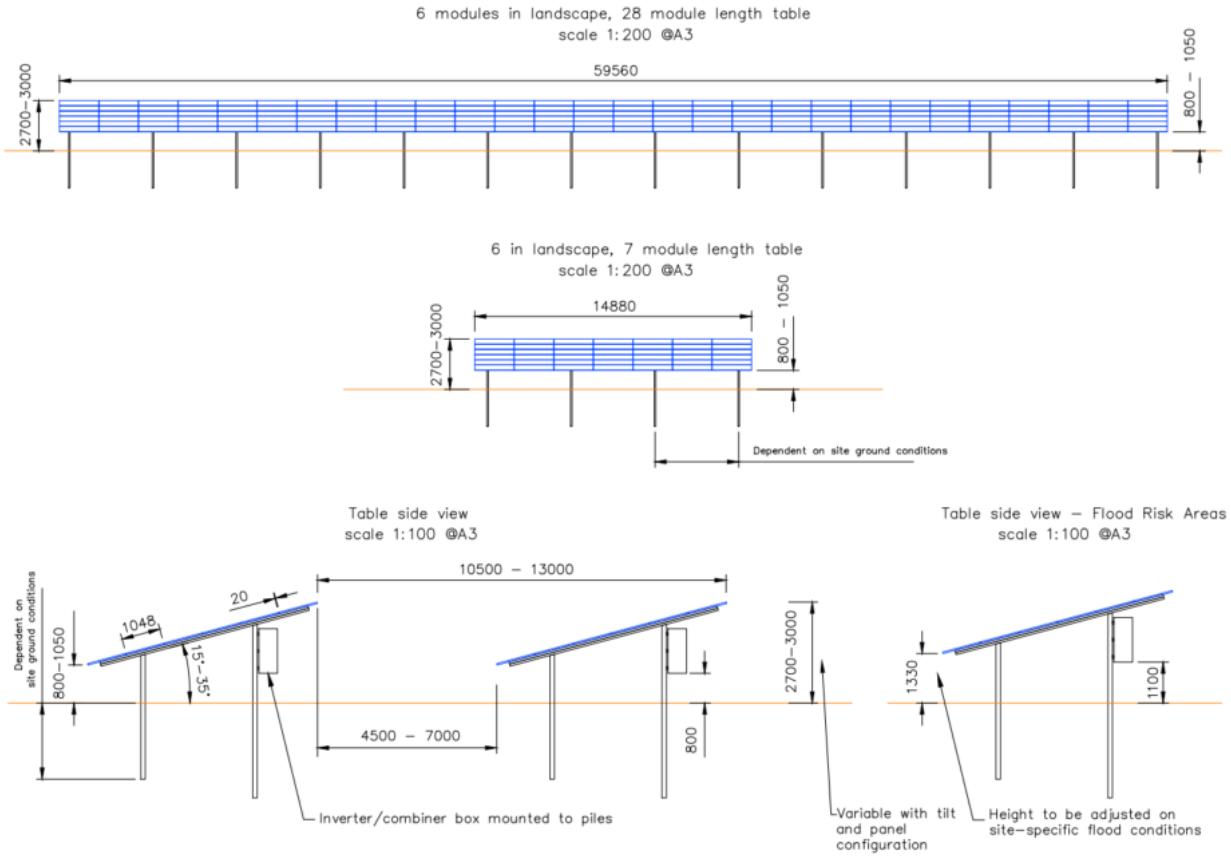
height would be 1.3 metres. Stock proof fencing would be erected, and a CCTV system would be mounted on poles at intervals along the inside edge of the fencing.

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 of 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 diversity 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 preferrable, 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