

REPORT FOR PLANNING COMMITTEE

Application Number	PL/2022/08634
Site Address	Land Northwest of Crossing Lane, Lower Moor, Minety
Proposal	Solar Park and Energy Storage Facility together with associated works, equipment and necessary infrastructure.
Applicant	Ecotricity Generation Ltd
Town/Parish Council	Minety
Electoral Division	Minety – Councillor Chuck Berry
Grid Ref	401366 192349
Type of application	Full Planning Permission
Case Officer	Adrian Walker

Reason for the application being considered by Committee

The application has been called-in by the Division Member Chuck Berry (Minety Division) (on the 12 January 2023) for the following reasons - 'scale of the development', 'visual impact on surrounding area', 'relationship to adjoining properties', 'design' and 'environmental/highway impact'. It was also stated that all solar applications need careful consideration.

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

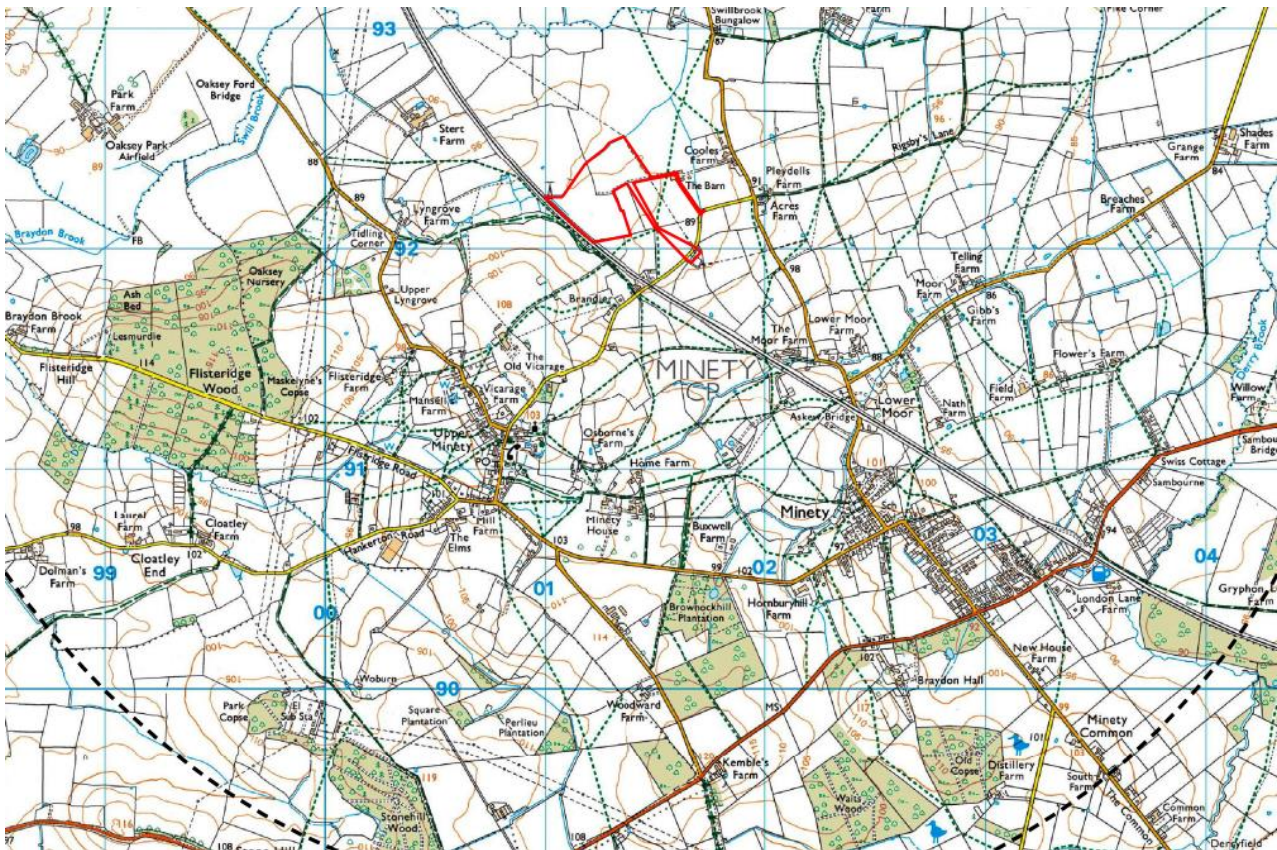
The main issues for consideration are:

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

3. Site Description

The application site comprises approximately 12.53ha of agricultural fields within the parish of Minety. The village of Minety itself is located approximately 1.2km to the south east of the site and the hamlet of Lower Moor is about 580m distance, also to the south east.

The western boundary of the site is adjacent to the mainline London to Cheltenham Railway. The access to the application site passes through the agricultural complex of buildings collectively known as The Barn. The remainder of the immediate adjacent land is in agricultural use.



Site Location Plan (Drawing P20_2372_EN_01)

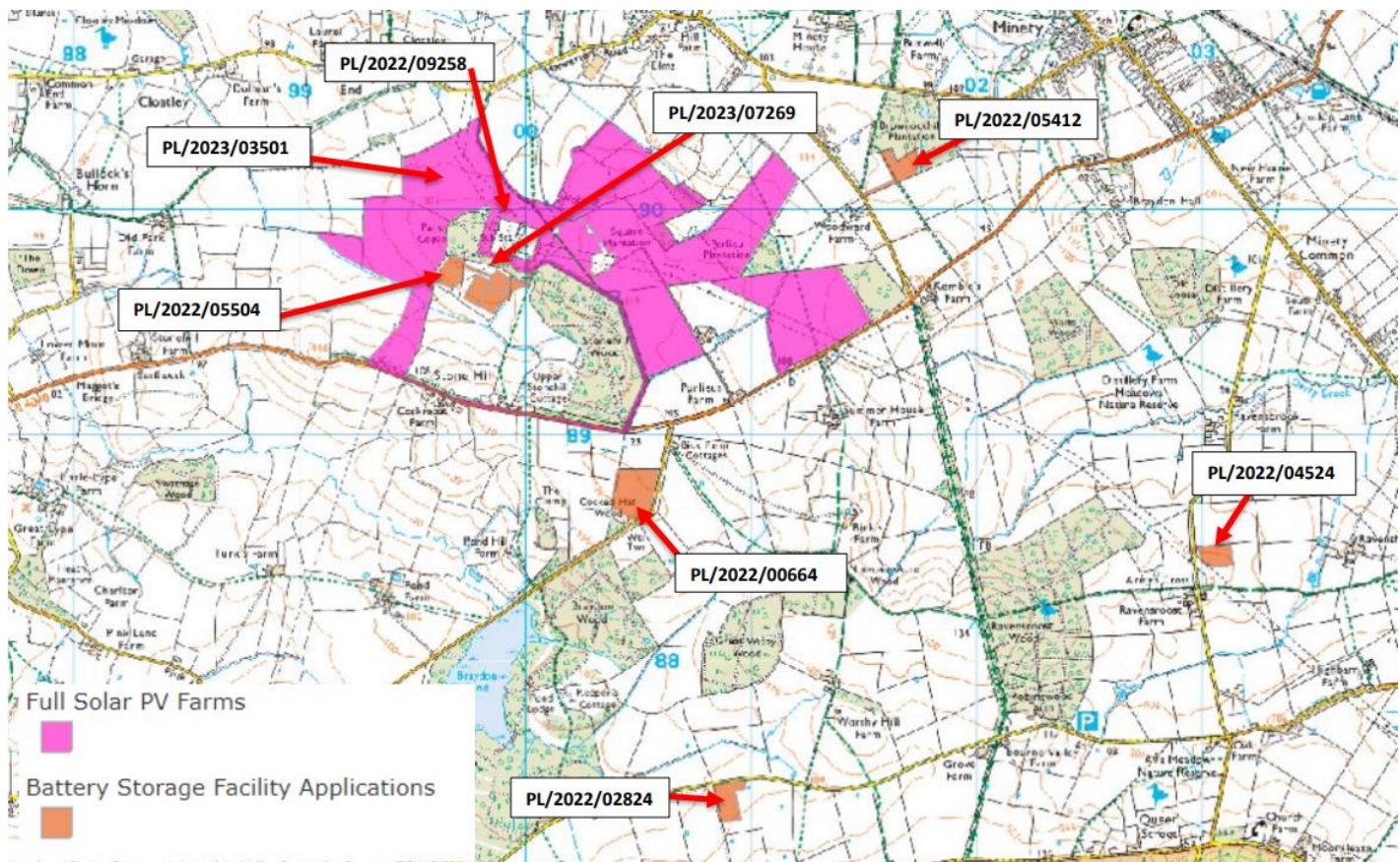
The Planning Statement (October 2022) by Pegasus explains that there are no environmental designations on the Application Site. Within the wider context, the nearest environmental designation is Clattinger Farm SSSI and SAC approximately 610m to the north. Acres Farm Meadow SSSI is approximately 760m to the east of the application site.

The closest Public Rights of Way (PRoW) are MINE25 and MINE26. Neither of the PRoWs cross the main development site where the panels and energy infrastructure will be located. The point at which they meet does, however, coincide at a point which will be crossed by the proposed cable route.

4. Relevant Planning History

The application site has not been the subject of any previous planning applications, however there are other recent planning applications for Solar Photovoltaic and Battery Energy Storage System developments. They are listed as follows and identified on the map below:-

- PL/2022/02824 - Land at Somerford Farm, Brinkworth, SN15 5AU - Proposed Development is for a battery storage facility and ancillary development. (2.6km South East of Substation) – Allowed on appeal 17 October 2024
- PL/2022/04524 - Land east of Ravensroost Road, Ravenshurst Farm, Minety, Malmesbury, SN16 9RJ - Installation of a Battery Energy Storage Facility, substation, underground cabling, access, landscaping, biodiversity enhancements and ancillary infrastructure & equipment to include acoustic fence, security fence & gates. (3.4km South East of Substation) Allowed on appeal 18 November 2024
- PL/2022/05412 - Land off Dog Trap Lane, Minety - Proposed Development is for a battery storage facility and ancillary infrastructure Revision of PL/2022/00404. (PL/2022/00404 was withdrawn) (1.5km East of Substation) Approved 31 May 2024
- PL/2022/05504 - Land at Stonehill, Minety, Wiltshire, SN16 9DX - Installation of a Battery Energy Storage System (BESS) together with associated ancillary infrastructure, equipment and access arrangements. (South West of Substation) Refused 24 June 2024
- PL/2023/03501 - Land near Minety Substation, Minety, SN16 9DX - Variation of condition 3, 4, 5, 6, 7, 11 & 20 of 20/03528/FUL -To allow modifications to the approved layout, increase from 12 battery units with 16 localised inverters to 22 battery units and 19 containerised inverters, alterations to location of vehicular access. Approved 8 May 2024.
- PL/2023/07269 - Land to the east and south of National Grid Minety Substation, Minety, Malmesbury, Wiltshire, SN16 9RP - Installation of a grid connection cable route for an



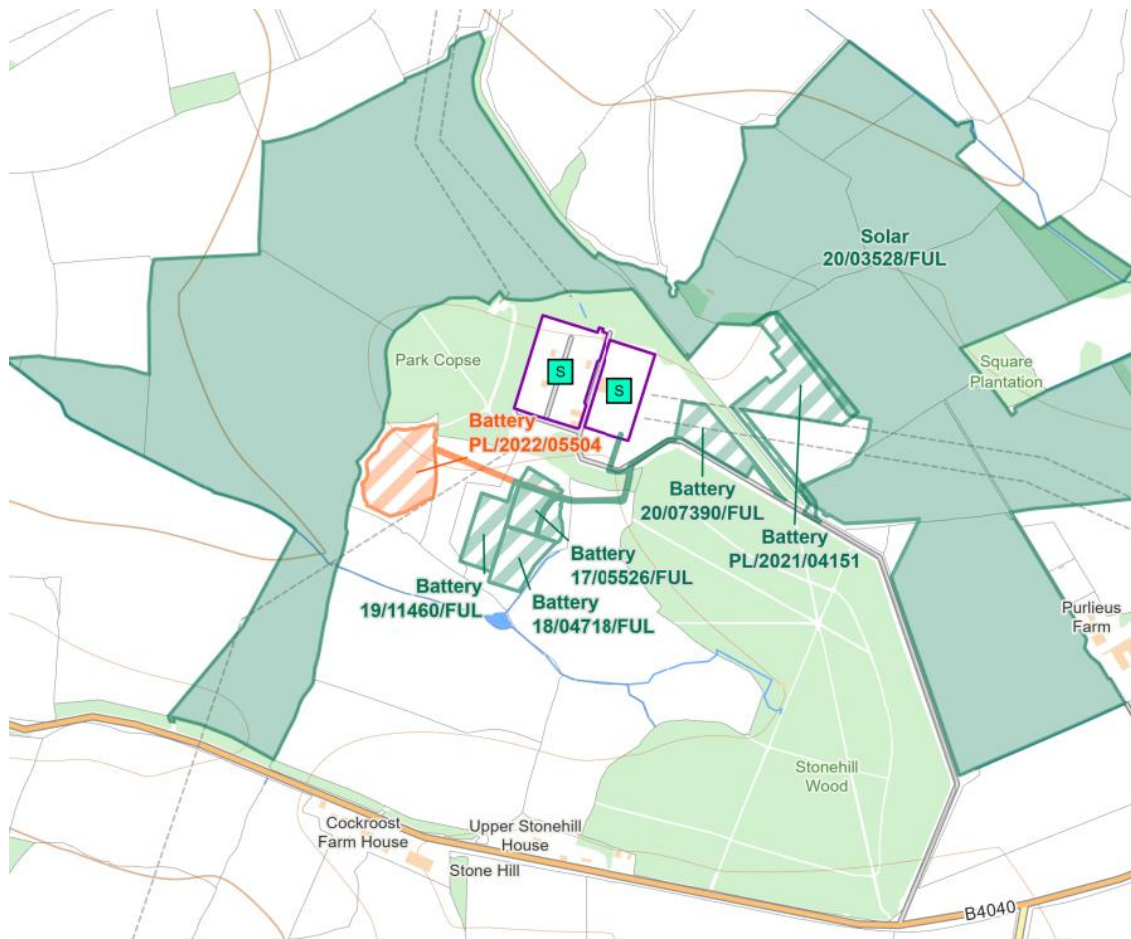
electrical connection between the approved Minety Battery Storage Facility (Planning ref:20/07390/FUL) and National Grid Minety substation. Under consideration.

The following current applications, for an extension to the Minety Substation and another Battery Energy Storage System, are also relevant to the assessment of the current proposal and are identified on the map above:-

- PL/2022/09258 - Minety Substation, Minety, Wiltshire, SN16 9DX - Extension of existing substation comprising installation of 400/132kV transformer, 3no. 400/33kV transformers, circuit breakers, construction of retaining wall and 33kV switchroom, formation of access road, culverting of watercourse, erection of fencing and associated works. Approved 19 Jul 2024
- PL/2022/00664 - Land off Pond Lane, Minety - Proposed Development is for a battery storage facility – Non-Determination Appeal ref APP/Y3940/W/23/3319392. (1.05km South East of Substation) Allowed 20 Feb 2024

There are also a number of approved applications for Solar Photovoltaic and Battery Energy Storage Systems around the Minety Substation, they are listed as follows with some of the key ones identified on the plan below:-

- 20/03528/FUL - 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 - Approved 20/08/21 (north / east and west of the substation)



(source: planning application PL/2022/04524 / Conrad Energy (Developments) II Limited / dated 31.10.22)

- Planning Application 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 20/07/2017 (*north of the substation*)
- Planning 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 - Approved 19/07/2017 (*north of the substation*)
- Planning Application 17/05526/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV, landscaping and substation - Land adjacent to electricity sub station - Approved 21/09/2017 (*south of the substation*)
- Planning Application 18/04718/FUL - Energy Storage System, Comprising Battery Storage Containers, Ancillary Buildings, Security Fencing, CCTV and Landscaping - Land Adjacent to Electricity Sub Station - Approved 19/07/2018 (*south of the substation*)
- Planning Application 19/11460/FUL - Energy Storage System, comprising battery storage containers, ancillary buildings, security fencing, CCTV and landscaping - Approved 06/02/2020 (*north-east of the substation*)
- Planning Application 20/07390/FUL - Installation of a battery storage facility and ancillary development on land adjacent to National Grid's Minety Substation - National Grid Minety Substation Approved 25/01/2001 (*east of the substation*)

- Planning Application 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 - Approved 28/06/2022
- Planning Application 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 08/11/2021 (*north-east of the substation*)

There are operational Battery Energy Storage Systems directly to the north-east and south of the Minety Substation with other solar photovoltaic development within the wider landscape.

Environmental Impact Assessment

The applicant requested a Screening Opinion from Wiltshire Council, under Regulation 6(1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for the proposed development. 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 environmental assessment. The Council issued a Screening Opinion on the 30 June 2022 confirming that an environmental impact assessment is not required for the proposed development.

5. The Proposal

The application seeks full planning permission for the construction of a solar energy park with an expected installed capacity of around 8MW for a temporary period of 40 years from the date of first exportation of electricity from the site.

The Planning Statement (October 2022) by Pegasus provides a detailed description of the proposed development and provides a summary of the equipment and infrastructure to be installed:-

- Photovoltaic (PV) modules fixed to a steel and aluminium structure, to a maximum height of 3 metres
- Ancillary Electricity Generation Infrastructure (energy storage containers, inverters and transformers):
 - 5 x Transformer/Inverter Units (approximately 6m(l), 3m(w), 3m(h));
 - 6 x Energy Storage Container System Units (approximately 12m(l), 3m(w), 3m(h));
 - 1 x Spare Parts Container Unit (approximately 12m(l), 3m(w), 3m(h)); and
 - Control Room/Substation Building (approximately 12m(l), 6m(w), 3m(h)).
- Perimeter fencing
- CCTV monitoring equipment
- Use of existing site access
- Installation of underground cable to connect with sub-station to the south of Crossing Lane.
- Biodiversity enhancements through planting on the site



Site Layout and Planting Proposals (drawing ref. 5636_T0205_03)

The following extracts from the Planning Statement provide further information about the proposed development:-

- The solar energy park will consist of solar PV panels placed on steel and aluminium frames, arranged in rows to face south at angles of 10 to 20 degrees to maximise efficiency. The uppermost part of the solar arrays will be no more than 3m in height from ground level. The PV panels will be 'fixed' meaning that the orientation of the panels will not change during the day to track the course of the sun.
- The main location for the battery storage units will be in the centre of the site. Each station comprises containerised battery units/inverters, DC-AC converter boxes and ancillary equipment.
- Underground cabling will be placed around the site connecting the photovoltaic panels to the energy storage units and then on to the existing (DNO / SSE) substation to the south of Crossing Lane.
- It is proposed that the access for construction, operation and maintenance utilises the existing access to The Barn from Crossing Lane,
- The landscape treatment for the proposed solar park is intended to mitigate potential visual effects. Existing landscape elements, such as trees and hedgerows would be retained and enhanced wherever possible to integrate the proposals into the surrounding landscape.

The application is supported by the following plans and documents: -

- Drawing ref. P20-2372_EN_01 Rev. A – Site Location Plan
- Drawing ref. P20-2372_11 Rev. B – Detailed Planting and Layout Plan

- Drawing ref. 5636_T0205_03 – Site Layout and Planting Proposals
- Drawing ref. 5636_T0207_01 – Solar Module Elevation
- Drawing ref. 5636_T0208_01 – Transformer / Inverter Container Elevation
- Drawing ref. 5636_T0209_0 – Control Room / DNO Substation Elevation
- Drawing ref. 5636_T0210_0 – CCTV and Fence Detail
- Drawing ref. 5636_T0211_0 – Energy Storage Container Elevation
- Drawing ref. 5328 Sheet 1 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 2 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 3 of 3 – Topographical Survey
- Drawing ref. 11445 TCP 01 Rev A (Overview) – Tree Constraints Plan
- Drawing ref. 11445 TCP 01 Rev A (1/4) – Tree Constraints Plan
- Drawing ref. 11445 TCP 01 Rev A (2/4) – Tree Constraints Plan
- Drawing ref. 11445 TCP 01 Rev A (3/4) – Tree Constraints Plan
- Drawing ref. 11445 TCP 01 Rev A (4/4) – Tree Constraints Plan

- Document. Planning Statement
- Document. Design and Access Statement
- Document. Statement of Community Involvement
- Document. Landscape and Visual Impact Assessment (with accompanying Detailed Landscape Planting Plan)
- Document. Flood Risk Assessment and Drainage Strategy
- Document. Arboricultural Tree Schedule and associated Tree Constraints Plans
- Document. Topographical Survey
- Document. Heritage Desk Based Assessment (Supported by geophysical survey)
- Document. Preliminary Ecological Assessment Report (Phase I)
- Document. Detailed Ecological Surveys and Assessment (Phase II)
- Document. Biodiversity Net Gain Calculation
- Document. Construction Traffic Management Plan

The application has been updated during the determination period through the submission of the following documents:

- Document. Noise Impact Assessment
- Document. Glint and Glare Study
- Document. Applicant's response to Highway Officer comments

Ecology documents– 3rd October

- Technical Note: bat Foraging Assessment Cooles Farm. (Ecotricity, September 2024).
- Technical Note: Brown Hare. Cooles Farm. (Ecotricity, September 2024).
- Biodiversity Net Gain Report Cooles Farm. (Ecotricity, September 2024).
- Mitigation Plan (September).
- Ecotricity: Statement of Professional competence.
- Detailed Planting and Layout Plan. Cooles Farm Solar. DWG No: 5636_T0212_01 Rev: C.

6. Planning Policy

National Planning Policy Framework 2023 (NPPF)

Wiltshire Core Strategy 2006 – 2026, with particular regard to:

- 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 & Development
- Core Policy 62 Development impacts on the transport network
- Core Policy 67 Flood Risk;

North Wiltshire Local Plan 2011 (Saved Policies)

- Policy NE12 Woodland (saved North Wiltshire Local Plan policy);
- Policy NE14 Trees and the control of new development (saved North Wiltshire Local Plan policy);
- Policy NE18 Noise and pollution (saved North Wiltshire Local Plan policy).

Planning Practice Guidance for Renewable and Low Carbon Energy (published 18 June 2015 / updated 14 August 2023).

Government policy for delivery of major energy infrastructure:-

- Overarching National Policy Statement for Energy (EN-1)
- National Policy Statement for Renewable Energy Infrastructure (EN-3)
- National Policy Statement for the Electricity Networks Infrastructure (EN-5)

7. Consultations

The application has been subject to formal consultation and publicity. The most recent response from each consultee is summarised below:

Environment Agency – No observations.

Natural England – No objection; “Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection”.

National Grid – No observations; “there are no National Grid Electricity assets affected in this area”.

Network Rail – No objection; “Network Rail has no objection in principle to the ... proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission”.

Dorset & Wiltshire Fire and Rescue Service – Standard advice provided.

Council Archaeology – No objection, subject to a condition to secure a scheme or archaeological investigation.

Council Highways Department – No objection, subject to the conditions to secure a full and final Construction Management Statement, for the access arrangements to be laid out as shown, and to secure a pre-construction highway photographic survey.

Council Ecologist – No objections subject to conditions.

Council Landscape Officer – No objection, subject to conditions to ensure the external finish and colour of all equipment and structures is amended/approved, the implementation of the landscape design scheme, and its long term maintenance and management via a Landscape and Ecological Management Plan.

Council Drainage Officer – No objection, subject to condition to secure further details to ensure the proposed drainage scheme is viable and can operate successfully for the lifetime of the development.

Council Public Protection Officer – No objection; “I have no adverse comments regarding the proposal”.

Council Climate Officer – Support; “The generation of renewable energy mitigates the impact of climate change and should be seen positively in the context of the National Planning Policy Framework (the Framework) and the Wiltshire Core Strategy (the development plan). Core Policy 42 of the development plan supports standalone renewable energy installations in principle”.

Minety Parish Council – No observations.

8. Publicity

As a result of publicity, 2 representations have been received from a local residents raising the following concerns:-

- “I have concerns about noise produced by a transformer or other items needed to run such a site. Will there be ambient noise produced by this site?”
- The infrastructure in this area is poor how will the company get all the construction equipment to the site without large disruption to the area? This area is single track roads used by horse riders, cyclists etc and having heavy vehicles on the road will be dangerous to all road users.
- We have just had a huge solar site approved not 1 mile from this proposed site? Surely Minety already has its fair share of renewable energy sites as well as taking up valuable farming land”.
- “Crossing lane is a small single track lane and is used and is home to walkers, cyclists, horses, children. It is not suited to this type of site. Access is either down a regularly flooded lane or through minety village or through upper minety village. This area already has a huge site being built and it will only blight the area further if more sites are built.”

9. Planning Considerations

a) Whether the proposal is acceptable in principle

The NPPF advises that Local Planning Authorities should take a proactive approach to mitigating and adapting to climate change and to help increase the use and supply of renewable and low carbon energy and heat, plans should provide a positive strategy for energy from these sources (par 160). Furthermore, it advises 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 163).

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Planning policies and decisions must also reflect relevant international obligations and statutory requirements (NPPF, par 2). For the purpose of determining this application, the development plan comprises the Wiltshire

Core Strategy (adopted January 2015) and the Saved Policies of the former 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, which would equally apply to supporting infrastructure, 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” (par 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” (par 6.39).

The production of renewable sources of energy, on any scale, will inevitably contribute to the objective of the NPPF and local policy to address climate change and encourage the production of energy through renewable sources. The development is expected to have an installed capacity of around 8MW. The proposed development, in principle, is therefore supported. However, in order to establish the acceptability of the proposal on the site in question, all material planning consideration associated with the proposal must be considered. The Planning Practice Guidance (at paragraph 013 Reference ID: 5-013-20150327) outlines the planning considerations that relate to the deployment of large-scale ground-mounted solar photovoltaic farms and they are highlighted under sub-headings below. w.

In terms of the Ancillary Electricity Generation Infrastructure (energy storage containers, inverters and transformers), Battery Storage Facilities are a form of infrastructure that support the use and supply of renewable energy. The Planning Practice Guidance advises that “Electricity storage can enable us to use energy more flexibly and de-carbonise our energy system cost-effectively – for example, by helping to balance the system at lower cost, maximising the usable output from intermittent low carbon generation (e.g. solar and wind), and deferring or avoiding the need for

costly network upgrades and new generation capacity” (Paragraph: 032 Reference ID: 5-032-20230814).

The Overarching National Policy Statement for Energy advises that energy storage has a key role to play in achieving net zero and providing flexibility to the energy system. Storage is needed to reduce the costs of the electricity system and increase reliability by storing surplus electricity in times of low demand to provide electricity when demand is higher. Storage can provide various services, locally and at the national level. These include maximising the usable output from intermittent low carbon generation (e.g. solar and wind), reducing the total amount of generation capacity needed on the system; providing a range of balancing services to the National Electricity Transmission System Operator (NETSO) and Distribution Network Operators (DNOs) to help operate the system; and reducing constraints on the networks, helping to defer or avoid the need for costly network upgrades as demand increases (par 3.3.25 – 3.3.27).

Locally, Wiltshire Council has made a firm commitment to seek to make the county of Wiltshire carbon neutral by 2030 and has pledged as an organisation to become carbon neutral by 2030. The Council's Climate Strategy (2022 – 2027) sets out a clear commitment to increase the uptake of renewable energy, it states the Council seek to “Increase renewable electricity generation including microgeneration (and associated technologies such as storage) in Wiltshire by working in partnership with others” (p28).

The Council's Climate Strategy explains that “At present the grid supplies energy on demand. Once transport and heating are electrified, there will be a much greater demand. In order to manage this a flexible and ‘smart’ grid will be needed. The UK Net Zero Strategy sets a high level of ambition, stating that all electricity will come from low carbon sources by 2035, subject to security of supply, whilst meeting a 40-60% increase in demand” (p28).

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; and in so doing, help contribute to renewable energy and climate change targets, improving 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. Government policy however makes it very clear that renewable applications no matter how small should not be prejudiced because of their relatively small contributions; as every contribution helps.

It is equally necessary to note that this type of development is, in theory, not permanent; and when the development comes to an end it would be reasonable to insist on the restoration of the land. If permission is granted, a planning condition requiring the decommissioning of the site and the removal of panels and plant should be used.

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

The existing use of the site is 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, and of trees and woodland” (paragraph 180).

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 application is supported by an Agricultural Land Classification report (April 2022) by amet Property which confirms that 4.4ha of the site is Grade 3a and 6.3ha Grade 3b. The proposed development will therefore have an impact on some "best and most versatile agricultural land" albeit not a 'significant' amount for the purposes of the assessment under planning policy.

The DCLG Planning Practice Guidance for Renewable and Low Carbon Energy advises that if a proposal does involve Greenfield land, that it allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. Furthermore, Natural England's Technical Advice Note TIN101 *'Solar Parks: maximising environmental benefits'* is particularly relevant to this proposal and advises:-

"The long term capability of agricultural land, in particular the Best and Most Versatile agricultural land, needs to be safeguarded during the construction, operation and decommissioning of solar panels."

"Reversibility and permanence also need to be considered. How easy would it be to convert and decommission these areas and put them to other use?"

"Any development should leave the land capable of supporting agriculture, especially if it is Best and Most Versatile, and/or semi-natural habitats in the future."

The proposed development 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. The proposal also includes landscape and biodiversity enhancement measures, as outlined within the P20-ecological reports and shown on the Detailed Planting and Layout Plan (ref. 2372_11 Rev. B). 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 after the 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.

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

The NPPF advises that planning policies and decisions should contribute to and enhance the natural and local environment (par 180) and Core Policy 51 'Landscape' of the WCS outlines 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. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies.

In relation to proposed renewable energy scheme, the supporting text to Core Policy 42 states that the development of most standalone renewable energy installations within Wiltshire will require careful consideration due to their potential visual and landscape impacts. This is also stated at the national level, the Planning Practice Guidance for Renewable and Low Carbon Energy outlines 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 application is supported Landscape and Visual Impact Assessment (LVIA) (October 2022) by Pegasus which considers the impact of the proposed development on landscape character and visual amenity. The LVIA seeks concludes by stating it “demonstrates that the proposed development could be successfully accommodated within the existing landscape pattern and could be assimilated into the surrounding landscape without causing any long-term harm to the landscape character, visual amenity, or existing landscape attributes of the area. It is concluded that the landform of the site and surrounding area, in combination with existing vegetation, makes this location suited to a solar installation” (par 8.10 – 8.11).

The Council’s Landscape Officer has reviewed the proposed application and confirms that the scope of assessment appears proportionate to the scale and nature of development being proposed. The following assessment is provided by the Landscape Officer:-

Landscape Character

The submitted LVIA has correctly identified the site to fall within the ‘Landscape Character Areas’ as indicated within the relevant Wiltshire Landscape Character Assessment (WLCA)² and the North Wiltshire Landscape Character Assessment (NWLCA)³. The site lies within the following identified landscape character areas 12A: Thames Open Clay Vale (WLCA) and Landscape Character Area 5: Minety and Malmesbury Rolling Clay Lowland (NWLCA).

The LVIA includes assessment of Landscape Character at Section 5, with a summary of predicted effects included within Table 1. I would typically expect an assessment of landscape character to include an assessment of the localised character of the site itself including its adjoining context to feature alongside the proportionate consideration of larger scale published landscape character assessments.

Landscape features

The LVIA includes assessment of landscape features and elements at Section 6, with a summary of effects included within Table 2. While I don’t necessarily concur with the LVIA’s justification and reasoning of value or susceptibility of landscape features and elements assessed to substantiate overall sensitivity, I do not identify these differences of professional opinion and judgement to ultimately culminate in likely unacceptable harmful resulting effects to landscape features and elements.

The LVIA includes a visual appraisal at Section 7, with a summary of predicted effects for the assessed representative receptor viewpoints included within Table 3. The visual assessment confirms that the greatest visual change effects will be experienced by users of the rural public footpaths MINE5 and MINE25 located to the northeast of the development site (LVIA, viewpoints 7 & 8). With proposed mitigation in the form of new hedgerow and tree planting, and reinforcement of existing hedgerows with appropriate establishment and management measures, then I do not raise concerns in relation to the resulting visual effects likely to arise from this development proposal. Views of the new development will be partial and localised for these receptors from these viewpoints.

Landscape Strategy

The LVIA outlines a Landscape Strategy at Section 4, paras 4.5 through to 4.9 and includes a ‘Detailed Planting and Layout Plan’ (Dwg. no. P20-2372_11 Rev: B) included at Appendix 1. This strategy could help integrate development into the receiving landscape and leave a positive lasting landscape legacy following the decommissioning phase of development if it were successfully established and appropriately maintained thereafter. I support the proposed

approach in terms of strengthening existing landscape features and elements, but highlight the LVIA / strategy could have gone further to make recommendations on use/design of appropriate and sympathetic materials and colour for proposed structures, buildings, and boundary enclosures etc.”

The Landscape Officer is therefore able to support the proposed development, but provides a holding objection until such time as the Energy Storage Containers are changed from the currently proposed ‘Signal White (RAL 9003) colour finish to a less visually contrasting/jarring neutral darker colour, and full details of the external finish and colour of all other infrastructure is agreed. The Officer does however state that if this point can be resolved, which could be via a condition of any planning permission, it is concluded that “the landscape would have sufficient capacity here to integrate the amount of currently proposed development without creating substantial visual harm subject to appropriate planting to provide additional screening as a mitigation measure”.

In light of the above, it is evident that the proposed development would result in a significant change in the land use which would be industrial in nature and not characteristic of the rural area, however as stated above, the impact on landscape character would be mitigated as far as possible through landscape measures in line with Core Policy 51 and the visual impact would be localised. The scale and extent of the landscape and visual impact will need to be considered within the overall planning balance against the benefits of the proposal.

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

The NPPF advises that the planning policies and decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability (par 180). This aim is also reflected within Core Policy 57 ‘Ensuring High Quality Design and Place Shaping’ of the WCS seeks to secure a high standard of design in all new development with one key element being the need for consideration be given to the compatibility with adjoining land uses and the impact on the amenities of existing occupants as a result of noise or air pollution etc.

The application is supported by a Noise Assessment (September 2023) by Hoare Lea which considers the potential noise impact from the proposed development. It concludes by stating:-

“The assessment ... indicates that cumulative plant noise levels with all plant operating continuously a rated output would result in a BS 4142 condition of ‘significant adverse impact’ at the nearest residential property for both daytime and night time. Plant noise impact at the dwelling is relatively low and the assessment is attributable to the very low daytime and night time background sound levels at the dwelling.

It is noted that the provision of noise control measures would reduce the BS 4142 assessment to ‘low impact’ for the majority of the daytime period and to just within ‘adverse impact’ for the very quietest periods of the day and night.

Notwithstanding the findings of the assessment, BS 4142 advises that where assessing noise break-in sound levels within buildings, alternative guidance and standards may be more appropriate. Break-in sound levels at the dwelling with windows open would readily achieve BS 8233 criteria. It is considered that significant reductions in plant noise impact at the dwelling could be achieved by provision of control measures at source and/or screening measures around the plant compound. Screening measures alone would be expected to achieve a BS 4142 condition just within ‘adverse impact’ during the very quietest parts of the day but would be expected to achieve ‘low impact’ for the majority of the day”.

The Noise Assessment therefore recommends mitigation measures to reduce noise being released from the site. It advises where control measures at source are not practicable, screening measures should be provided around the periphery of the compound area. There must therefore be a condition on any planning permission that may be granted to require full details of the noise mitigation measures and an updated assessment to demonstrate that noise levels generated by the development would be within acceptable limits at the nearest noise sensitive property.

The application is supported by a Glint Glare Study (January 2023) by PagerPower Urban & Renewables which specifies that in relation to the impact on the amenities of neighbouring dwellings, no unacceptable impacts are expected and therefore no further mitigation strategy should be implemented. The study also states no significant impacts upon road safety, aviation activity, or railway operations and infrastructure are predicted. No mitigation is recommended.

In terms of lighting, the application mentions that lighting will be minimal and limited to that needed for security and maintenance purposes, only to be used when required. It is however considered necessary to secure full details via condition to ensure no adverse impact on the surrounding environment and residential amenity.

As such, it is not considered that the solar panels would give rise to any nuisances in terms of noise, light or glint/glare and are therefore considered acceptable in this respect.

It is recognised that there may be some disturbance created during the construction phase, however the site is remote enough that impacts due to noise and dust from its construction is unlikely to significantly impact on local residents. It is however necessary to secure a Construction and Environmental Management Plan (CEMP) via condition, which would also control the construction hours and reduce construction impacts on the local community.

On this basis, it is considered that the proposed development will not conflict with the relevant policies of the plan, including Core Policy 57 of the WCS, or with relevant provisions of the NPPF.

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

The NPPF advises that transport issues should be considered from the earliest stages of plan-making and development proposals but ultimately it advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (par 115). Core Policy 62 'Development Impacts on the Transport Network' however advises that developments should provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

The application is supported by a Construction Traffic Management Plan (CTMP) (October 2022) by Pegasus, which provides details of the proposed access arrangement, considers the vehicular movements associated with the construction and operational phases of the development, including vehicle routing to the site from the primary road network, and proposed certain mitigation measures to aid the smooth operation of the construction period.

The CTMP explains that the site is proposed to be accessed from Crossing Lane during the construction and operational phases of the development via an existing gated access located approximately 245 metres to the east of the junction with Rigsby's Lane. This access currently provides access to Cooles Barn and is used by agricultural vehicles on a regular basis. The Highway Authority advised, following the submission of further information as requested within their original

consultation response and discussed with the applicant, it is satisfied that the access arrangements are suitable and road network is able to support the proposed development

In relation to traffic generation, the Highway Authority advises that “the most intense periods of activity are suggested to be within the initial 2 weeks of the construction programme and in the last 4-5 weeks. Within these periods, there is expected to be a maximum of 30 construction workers on site, with these staff being transported by three minibus trips (being 6 two-way trips) per day and remaining on site at the same time, with no shift patterns. This will ensure there is no potential conflict on the construction route in respect of the minibuses as they will be travelling to and from the site at the same time.

There has, however, been no detail of the likely HGV numbers within these peak periods. The only information on HGV trip generation relates to an average of 3 HGV deliveries per day (being 6 two-way movements per day) across the construction programme. A detailed programme of works which indicates the number of construction and delivery vehicles, as well as construction staff on a daily/weekly basis will be required as part of the final CTMP”.

The Highway Authority is satisfied that sufficient detail has been provided to demonstrate that the construction route would be acceptable to accommodate the type of construction traffic throughout the limited construction period, subject to the appropriate management through the CTMP. Such CTMP will require updating to include the detail of the programme of works, HGV and construction workers trip generation at peak and non-peak times, detailed site compound layout and the full access route into the site from Crossing Lane. This can be secured via condition along with the proposed access arrangements.

In light of the above, while the construction phase will result in a noticeable increase in vehicular movements on the local road network, it will be temporary in nature and road network is sufficient to accommodate the anticipate volume of movements. As such, subject to the management of the construction phase via appropriate conditions the proposal would not have an unacceptable adverse impact on highway safety and would not conflict with national or local transportation policies.

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

Core Policy 50 ‘Biodiversity & Geodiversity’ 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. The application is therefore supported by a Preliminary Ecological Appraisal (October 2022) by Five Valleys Ecology and a Phase II Detailed Ecological Surveys and Assessment (October 2022) by Five Valleys Ecology. The application explains that the site supports some habitat of intrinsic ecological value, specifically, Ditches (Dry), Scattered Broad-leaved Trees and Standing Water ((wet Ditches) which are of local value (Hedgerows and Semi-improved Grassland are also present). It is stated that the evidence submitted confirms that the ecological features of importance have been accommodated for within the proposed development. With the implementation of appropriate mitigation, compensation and enhancement, as set out in the Ecological Reports, the development would be in conformity with relevant planning policy and legislation.

Core Policy 50 seeks to secure ecological enhancement / Biodiversity Net Gain (BNG) for ‘major’ developments only. The application is supported by a Biodiversity Net Gain Calculation report which demonstrates the proposed development will secure significant BNG which would be achieved through the proposed landscape planting, habitat enhancements and long-term management as set out in the Ecology Report and Detailed Landscape Planting Plan.

The BNG is in excess of the national 10% requirement that became mandatory after the application was submitted. The proposed development will therefore comply with the requirements of Core Policy 50 of the WCS in this regard.

Habitat Regulations Assessment - North Meadow and Clattinger Farm SAC

A test of likely significance has been carried out by the relevant Competent Authority (Wiltshire Council) as required by Regulation 63 Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This concluded that given the scale and nature (non-residential) of the development combined with the separation of approximately 650 m between the SAC and the application site, there is no mechanism for adverse effect.

The HRA has concluded that the application is not likely to have significant impacts on the SAC and Appropriate Assessment is not required.

g) 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.

The application is supported by a Tree Schedule report by aspect arboriculture and associated Tree Constraint Plans which identify and categorise the trees within the field boundaries within and along the boundaries of the application site. The Planning Statement highlights that the plans shows “the standoffs from field margins incorporated into the design will ensure that the proposed development would be acceptable from an arboricultural perspective. The retained trees and hedgerows can be adequately protected during construction activities to sustain their health and longevity. It is considered that an arboricultural method statement and finalised tree protection details can be agreed and submitted at a later stage as part of a pre-commencement planning condition” (par 7.21 – 7.22).

The proposed Detailed Planting and Layout Plan confirms that there will be an adequate set back from the trees although protection measures and an arboricultural method statement should be secured as a condition of any planning permission that may be granted.

The proposal will therefore have a negligible impact on existing trees and ancient woodland and therefore accords with Core Policies 51, 52 & 57 of the WCS and Saved Policies NE12 and NE14 of the North Wiltshire Local Plan.

h) 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 is supported by a Heritage Desk Based Assessment (October 2022) by Pegasus and a Geophysical Survey Report (July 2022) by Magnitude Surveys. The heritage assessment accurately concludes by stating there are no designated heritage assets within the site or in its immediate vicinity. Due to the distance of the site from the designated heritage assets in the wider study area, the local topography, and intervening vegetation, there is no intervisibility between the site and any designated heritage asset.

In terms of below ground heritage assets, the Geophysical Survey Report states the survey work did not detect any anomalies suggestive of significant archaeological activity. Rather, the results reflect the long-term agricultural use of the survey area in the form of former mapped field boundaries and drainage features. Modern ploughing was also identified across parts of the survey area. However, several anomalies throughout the site have been classified as undetermined because it has not been possible to definitively determine whether these anomalies are the result of archaeological, agricultural, or natural processes. The County Archaeologist advised it is necessary to ground-truth the results of the latter piece of work by means of an archaeological trial trench evaluation. This will then enable a full assessment of the potential impact of the proposed development upon the archaeological resource. The requirement for a programme of archaeological works can be secured via condition to ensure compliance with Core Policies 57 & 58 of the WCS.

i) 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 Flood Risk Assessment & Surface Water Strategy (October 2022) by Pegasus which considers the potential flood risk and presents a surface water drainage scheme. It confirms that the site falls within Flood Zone 1 so is not at risk of flooding. The Lead Local Flood Authority highlights that the drainage strategy proposed is to allow water to drain via the natural drainage characteristics of the site. This is currently a mixture of infiltration into the ground and discharge to the drainage ditches bounding the site. The applicant states there will be no increase in impermeable area as a result of the development and this is therefore deemed an acceptable approach. It is however recommended that capacity and condition assessments for the drainage ditches, along with ownership details and future management, to ensure they are of sufficient condition to accept incoming flows. A condition can secure full details of the final scheme, and its implementation, to ensure the development would be in accordance with Core Policy 67 of the WCS.

Dorset & Wiltshire Fire and Rescue Service (DWFRS) advises that while they would not object in principle to the lawful development of a Battery Energy Storage System (BESS) or other alternative energy site, it is recognised that these installations pose some specific hazards in the event of fire. Any fire involving grid scale Li-ion battery storage would be treated as a hazardous materials incident in order that specialist technical advice can be obtained at the earliest opportunity.

DWFR further advises that current fire safety legislation (in particular, the Regulatory Reform (Fire Safety) Order 2005) is limited in its application to such developments due to the low life risk during normal occupation. Process fire risk is generally regulated by the Health and Safety Executive but in the absence of regulation under the Control of Major Accident Hazards Regulations (COMAH)

there is an expectation that fire and rescue services will initiate an emergency response in the event of an incident, in conjunction with the site operator's own plans.

It is advised that research is ongoing to determine the most suitable method to extinguish a fire within Li-ion battery cells although current guidance recommends copious (and significant) volumes of water for a prolonged period. As such, DWFRS provide a series of recommendations to limit the potential for fire and to ensure emergency plans are as robust as possible. The full letter from DWFRS will be appended to any planning permission that may be granted along with guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).

j) Whether the development would have an adverse cumulative impact

The need to consider cumulative effects in planning and decision-making is set out in planning policy. The Overarching National Policy Statement for Energy advises that for NSIP developments "the considering any proposed development, in particular when weighing its adverse impacts against its benefits, the Secretary of State should take into account:

- its potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long-term or wider benefits
- its potential adverse impacts, including on the environment, and including any long-term and cumulative adverse impacts, as well as any measures to avoid, reduce, mitigate or compensate for any adverse impacts, following the mitigation hierarchy" (par 4.1.5).

The material planning considerations would equally apply to any renewable energy scheme, and associated or standalone BESS development below 50MW, including any cumulative adverse impacts which would be need to considered within the overall planning balance. The NPPF advises that to help increase the use and supply of and supply of renewable and low carbon energy and heat, plans should "provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts)" (emphasis added) (par 160). The WCS requires development considered under Core Policy 47 to assess cumulative effects.

The Planning Practice Guidance advises that "The approach to assessing cumulative landscape and visual impact of large-scale solar farms is likely to be the same as assessing the impact of wind turbines. However, in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero" (Paragraph: 013 Reference ID: 5-013-20150327).

The relevant guidance (Paragraphs: 022 Reference ID: 5-022-20140306 & 023 Reference ID: 5-023-20140306) advises that the cumulative landscape impacts and cumulative visual impacts are best considered separately. The considerations are as follows:-

- **Cumulative landscape impacts** are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

In identifying impacts on landscape, considerations include: direct and indirect effects, cumulative impacts and temporary and permanent impacts. When assessing the significance of impacts a number of criteria should be considered including the sensitivity of the landscape and visual resource and the magnitude or size of the predicted change

- **Cumulative visual impacts** concern the degree to which proposed renewable energy development will become a feature in particular views (or sequences of views), and the impact this has upon the people experiencing those views. Cumulative visual impacts may arise where two or more of the same type of renewable energy development will be visible from the same point or will be visible shortly after each other along the same journey. Hence, it should not be assumed that, just because no other sites will be visible from the proposed development site, the proposal will not create any cumulative impacts

In assessing the impact on visual amenity, factors to consider include: establishing the area in which a proposed development may be visible, identifying key viewpoints, the people who experience the views and the nature of the views.

The LVIA submitted in support of this application considers the cumulative impact of the proposal with other solar park developments. It considers the impact of the proposed development alongside the renewable energy scheme comprising ground mounted photovoltaics with ancillary equipment, including battery storage on land near Minety Substation (application ref 20/03528/FUL). The LVIA outlines “The Site is approx. 1.88km northeast of Minety renewable energy scheme. The ZTVs for Cooles Solar Park and Minety renewable energy scheme show very little overlap, and therefore very limited opportunity to view both schemes cumulatively, primarily due to intervening topography. The Minety renewable energy scheme site is not visible in any of the assessed baseline views. It is concluded that there would be no cumulative visual effects”.

There are a number of other existing and permitted renewable energy scheme within the area, including a number of BESSs, as identified above. The solar farm quoted above surrounds Minety substation and the Council’s Landscape Officer is of the opinion that the series of individual planning applications seeking planning permission for BESSs is harmfully changing the existing rural character of pastoral farmland into an industrialising urban sprawl radiating outwards from Minety Substation. However, for the development currently proposed the Landscape Officer advises the landscape would have sufficient capacity to integrate the amount of currently proposed development without creating substantial visual harm subject to appropriate planting to provide additional screening as a mitigation measure. The proposed development would be visible from certain public vantage points, in particular the local public rights of way, however due to the topography of the site and intervening vegetation there is very little opportunity for inter-visibility between the proposed development and other renewable energy and energy infrastructure developments within the area. It is therefore considered that the proposal would not have an unacceptable cumulative landscape and visual impact.

10. Conclusion

The application seeks full planning permission for construction of a solar energy park with an expected installed capacity of around 8MW for a temporary period of 40 years from the date of first exportation of electricity from the site, along with ancillary electricity generation infrastructure.

The principle of the proposed development is in accordance with both current national and local planning policies which are supportive of renewable energy schemes. The proposal is for a large scheme that would provide a valuable contribution towards cutting greenhouse gas emissions which warrants considerable weight within 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 landscape character within the site; however, the impact on wider landscape character and visual amenity has been mitigated

against where possible through sensitive design and landscaping. The impacts would be localised and must be balanced by the benefits which would accrue through the installation of a renewable energy generator leading to lower carbon reliance. The proposed development would make a valuable contribution towards Wiltshire's renewable energy target and as such, on balance, it is considered that the overall environmental benefits associated with the proposal outweigh any adverse impacts and 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.

RECOMMENDATION

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. A decommissioning and restoration plan must be submitted to and agreed with the council a minimum of 12 months prior to decommissioning. The plan will be supported by an impact assessment based on up to date baseline survey and carried out according to the current guidelines. It must set out clear aims of restoration to benefit key habitats and species.

REASON: In the interests of amenity, ecology 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:

- Drawing ref. P20-2372_EN_01 Rev. A – Site Location Plan
- Drawing ref. P20-2372_11 Rev. B – Detailed Planting and Layout Plan
- Drawing ref. 5636_T0205_03 – Site Layout and Planting Proposals
- Drawing ref. 5636_T0207_01 – Solar Module Elevation
- Drawing ref. 5636_T0208_01 – Transformer / Inverter Container Elevation
- Drawing ref. 5636_T0209_0 – Control Room / DNO Substation Elevation
- Drawing ref. 5636_T0210_0 – CCTV and Fence Detail
- Drawing ref. 5636_T0211_0 – Energy Storage Container Elevation
- Drawing ref. 5328 Sheet 1 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 2 of 3 – Topographical Survey
- Drawing ref. 5328 Sheet 3 of 3 – Topographical Survey

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

4. The development will be carried out in strict accordance with the following documents:

- Mitigation Plan (September).
- Mitigation and enhancement detailed in Cooles Farm Solar Park Land Northwest of Crossing Lan Lower Morr, Minety Wiltshire. Phase II Detailed Ecological Surveys and Assessment. (Five Valleys Ecology, 21 October 2022)
- Detailed Planting and Layout Plan. Cooles Farm Solar. DWG No: 5636_T0212_01 Rev:C

REASON: For the avoidance of doubt and for the protection, mitigation and enhancement of biodiversity.

5. Notwithstanding the details shown on the approved plans, no development shall commence on site until details of the materials, colour and finish of any built structures and containers, poles, fencing, gates etc., have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being first brought into use and retained as such for the lifetime of the development.

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

NOTE: The use of neutral earth tone colours for elevational building / container treatments (including roof materials) and security fencing is important in this rural area. The use of white or light-coloured materials / finishes on containers and battery storage units or other infrastructure elements must be avoided, set against dark landscape backdrops of woodland and trees etc. The proposed 'Signal White' (RAL 9003) colour finish for the Energy Storage Containers must be changed to a less visually contrasting/jarring neutral darker colour, which would not visually contrast with the darker landscape background of trees and hedgerows etc.

6. No development shall commence on site until a scheme for mitigating the effects of noise from the development hereby approved, as recommended within the Noise Assessment (September 2023) by Hoare Lea, and an updated Noise Assessment to confirm the predicted noise levels emitted from the development with mitigation measures are within an acceptable range i.e. the development shall not at any time exceed the prevailing background noise level at any residential dwelling, has been submitted to and approved by the Local Planning Authority. All works comprised in the approved scheme shall be completed before any part of the development is first brought into use.

REASON: The matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to minimise the disturbance which that could otherwise be caused to the residents of neighbouring properties by noise generated from the development.

7. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment approved by condition 5 of this permission and be submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained.

Reason: To protect local amenity from adverse effects of noise.

8. No demolition, site clearance or development shall commence on site until an Arboricultural Method Statement (AMS) prepared by an arboricultural consultant providing comprehensive

details of construction works in relation to trees has been submitted to, and approved in writing by, the Local Planning Authority. All works shall subsequently be carried out in strict accordance with the approved details. In particular, the method statement must provide the following:

- A specification for protective fencing to trees during the construction phases which complies with BS5837:2013 and a plan indicating the alignment of the protective fencing;
- A specification for any ground protection within tree protection zones in accordance with British Standard 5837: 2012;
- A schedule of tree works conforming to British Standard 3998: 2010;
- Details of general arboricultural matters such as the area for storage of materials, concrete mixing and use of fires;
- Plans and particulars showing the layout of below ground infrastructure within tree protection zones
- A full specification for the construction of any arboriculturally sensitive structures and sections through them
- Details of all other activities, which have implications for trees on or adjacent to the site.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, in order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

9. The proposed soft landscaping scheme, as shown on the Detailed Planting Layout Plan (drawing no.P20-2372_11 Rev.B), 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.

10. No development shall commence on site until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and
- b) The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest

11. Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Ecological Management Plan (CEMP) shall be submitted to the local planning authority for approval in writing. The Plan 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) Identification of ecological protection areas/buffer zones and tree root protection areas and details of physical means of protection, e.g. exclusion fencing around trees with bat roost potential.
- b) Working method statements for protected/priority species, such as nesting birds, amphibians, roosting bats and reptiles.
- c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.
- d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
- e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.

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

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

12. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:
 - a. Description and evaluation of features to be managed;
 - b. Landscape and ecological trends and constraints on site that might influence management;
 - c. Aims and objectives of management;
 - d. Appropriate management options for achieving aims and objectives;
 - e. Prescriptions for management actions;
 - f. Preparation of a work schedule (including an annual work plan capable of being rolled forward over an 25 year period;
 - g. Details of the body or organisation responsible for implementation of the plan;
 - h. Ongoing monitoring and remedial measures;
 - i. Details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development.

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

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

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

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure adequate protection, mitigation and compensation for protected species, and to ensure successful establishment and management of new mitigation planting proposals and the appropriate future management of retained

hedgerows and woodland areas necessary to maintain a satisfactory landscape screening function for the life of the development.

13. Notwithstanding the detail within the Construction Traffic Management Plan (CTMP) (October 2022) by Pegasus, no development shall commence until a full and final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
- i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;
 - ii. A description of management responsibilities;
 - iii. A description of the construction programme;
 - iv. Details of the area for parking of vehicles of site operatives and visitors;
 - v. Details of the area for loading and unloading of plant and materials;
 - vi. Details of the area for the storage of plant and materials used in constructing the development;
 - vii. Site working hours and a named person for residents to contact;
 - viii. Details of vehicle routing to the site
 - ix. Detailed site logistics arrangements;
 - x. A detailed programme of the works indicating the number of construction and delivery vehicles, and the number of construction staff vehicles on a daily/weekly basis;
 - xi. Traffic routeing signs and HGV turning warning signs (including signage drawings);
 - xii. Details confirming the passing bays on Sawyers Hill and Ashton Road to be fit for purpose, in terms of construction/surfacing and dimensions.
 - xiii. Details of the measures to control the emission of dust, dirt and noise during construction;
 - xiv. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - xv. Details of the proposed width of the access track from its junction with Crossing Lane, including any passing bays,
 - xvi. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

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

REASON: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

14. No development shall commence until a pre-construction highway photographic survey to be carried out along the sections of highway of Ashton Road, Sawyers Hill and Crossing Lane to the access to the application site has been carried out. Upon completion of the construction phases, a post construction survey shall be carried out at the same location. Details and results of both before and after survey shall have been submitted to the Council as the Highway Authority within 3 months of the first operation of the development. Those submitted details and results shall be accompanied by a plan and timing schedule for the repair of any damage identified and attributable to the construction of the development, to be carried out at the expense of the applicant, which shall have been agreed in writing with the Local Planning Authority beforehand.

REASON: To secure a scheme for the repair of the public highway following completion of substantive construction works

15. No development shall commence on site until the first 20m of the access track from its junction with Crossing Lane, 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: In the interests of highway safety

16. No development shall commence on site until the visibility splays shown on the drawing ref. P-20-2372 Figure 3.2 Proposed Access Arrangements have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

Reason: In the interests of highway safety.

17. No external light fixture or fitting will be installed within the application site unless details of existing and proposed new lighting have been submitted to and approved by the Local Planning Authority in writing. The submitted details will demonstrate how the proposed lighting will impact on bat habitat compared to the existing situation. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals (ILP) Guidance Notes on the Avoidance of Obtrusive Light (GN 01/2021) and Guidance note GN08/23 "Bats and artificial lighting at night", issued by the Bat Conservation Trust and Institution of Lighting Professionals. Illumination levels shall not exceed those specified for Environmental Zone 1 as set out by the Institute of Lighting Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)"

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

REASON: In the interests of the amenities of the area, to minimise unnecessary light spillage above and outside the development site and to avoid illumination of habitat used by bats.

18. Notwithstanding the contents of the Flood Risk Assessment & Surface Water Strategy (October 2022) by Pegasus, no development shall commence on site until full details of the proposed scheme for the discharge of surface water from the site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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.

NOTE: The final surface water drainage scheme will be required to address all points within the consultation response of the Lead Local Flood Authority, dated 20/02/2022, namely:-

- The applicant must provide capacity and condition assessments for the drainage ditches to ensure they are of sufficient condition to accept incoming flows.
- The applicant shall submit clear arrangements for the ownership and ongoing maintenance of the ditch network, to ensure this remains effective at accepting flows for the lifetime of the development.

INFORMATIVE

The attention of the applicant is drawn to the following advice and guidance from Network Rail:

SAFETY

Any works on this land will need to be undertaken following engagement with Asset Protection to determine the interface with Network Rail assets, buried or otherwise and by entering into a Basis Asset Protection Agreement, if required, with a minimum of 3months notice before works start. Initially the outside party should contact assetprotectionwestern@networkrail.co.uk.

DRAINAGE

Soakaways / attenuation ponds / septic tanks etc, as a means of storm/surface water disposal must not be constructed near/within 5 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property/infrastructure. Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains. Network Rail's drainage system(s) are not to be compromised by any work(s). Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property / infrastructure. Ground levels – if altered, to be such that water flows away from the railway. Drainage does not show up on Buried service checks.

ACCESS TO RAILWAY

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. NR wish to retain their rights of access to our culvert as SWM1 87 24ch.

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

The attention of the applicant is drawn to the recommendations made by the Dorset and Wiltshire Fire and Rescue Service as outlined within their consultation response to the application, dated 16 December 2022, and the guidance produced by the National Fire Chiefs Council, as referred to within the Planning practice Guidance on Battery Energy Storage Systems (Paragraph: 034 Reference ID: 5-034-20230814).

INFORMATIVE

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.

An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.

INFORMATIVE

Please be advised that nothing in this permission shall authorise the diversion, obstruction, or stopping up of any right of way that crosses the site.

INFORMATIVE

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Conservation of Habitats and Species Regulations 2017 (as amended) it is an offence to disturb or

harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. 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.