

REPORT FOR STRATEGIC PLANNING COMMITTEE

Date of Meeting	23 rd January 2025
Application Number	PL/2023/08481
Site Address	Land at Red Barn, East of Kington St Michael, Chippenham
Proposal	Development of a solar farm of up to 40MW ac of export capacity, comprising the installation of solar photovoltaic panels, associated infrastructure and associated works including grid connection.
Applicant	Eden RB Solar Ltd
Town/Parish Council	Grittleton CP; Kington St. Michael CP
Electoral Division	Kington Langley CP and Kington St. Michael CP - Cllr Greenman
Grid Ref	53.369403, -5.340659
Type of application	Full Planning
Case Officer	S T Smith

Reason for the application being considered by Committee

The application has been called in to Committee by Councillor Greenman if there is a recommendation for approval by officers to consider the design, scale, visual impact of the development, as well as its relationship with adjoining properties. The application seeks planning permission for a large-scale solar farm, that has received a substantial level of representations made both in objection and support. Major development of this type has, by its nature, wider strategic implications and raises issues of more than local importance.

1. Purpose of Report

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

2. Report Summary

The main planning issues to be considered are:

- Principle of development
- Best and most versatile agricultural land
- Cumulative impacts
- Archaeology and Heritage impact
- Landscape impact, Design and Appearance
- Residential amenity
- Highways and rights of way
- Drainage
- Ecology
- Other matters

Kington St Michael Parish Council, Kington Langley Parish Council, Castle Combe Parish Council, Luckington and Alderton Parish Council, St Paul Malmesbury Without Parish Council, object to the proposals.

Bidestone and Slaughterford Parish Council support the proposals, with the Chippenham Town Council raising no objections.

3. Site Description

The application site is located within open countryside, with PV panels proposed for land either side of the A350 corridor north of Chippenham and somewhat equidistant between the Kington St Michael/Kington Langley junction and junction 17 of the M4. A c.4km route has also been shown on the submitted plans for connection to the electricity grid. That routing is south from the main site at Kington St Michael, along the A350 and through Chippenham to the SSE sub-station at Cocklebury Lane.

The submitted application form confirms the site area to be 102.76Ha in area with the planning statement suggesting the land incorporates some 17 fields, 13 of which are located on the Western side of the A350 closest to the village of Kington St Michael. The fields are in agricultural use, comprising arable for cereals, fodder and grassland. Natural England mapping provisionally suggests that the land is classified as being of a Grade 3 (good to moderate) agricultural quality; the applicant's own assessment suggesting a mix of Grade 3b and Grade 4 (moderate and poor).

Multiple Public Rights of Way (PROW) extend in an east to west direction within the western part of the site. These include footpaths KSTM2, KLAN33, KLAN39, KLAN38, KSTM38 and KSTM37. A further footpath KSTM4 is located to the west of the main site boundary. Bridleway KSTM1 runs through the western part of the site in an east to west direction, with two further bridleways adjacent to the western (KSTM3) and northern (KSTM5, which runs along Nash Lane) boundaries. Footpath KLAN32 runs in an east to west direction within the eastern part of the site.

The application site is not covered by any national landscape, ecological or heritage designations. However, the Manor Farm Brook Fields County Wildlife Site is located within the application site. The submission documents state that the CWS consists of three pastures in a shallow valley separated by a brook and woodland, with areas of grassland on steeper slopes, with its condition being variable; the highest value being along the brook where there is lush vegetation.

Several listed buildings are located at Kington St Michael and Kington Langley, with Conservation Areas (CA) also covering the core of the villages.

The majority of the application site is located within flood zone 1 with a low risk of flooding. The central area of the site contains watercourse that flows east west. The area around the existing stream is within flood zones 2 and 3 with a higher risk of flooding.

4. Planning History and Environmental Impact Assessment

Relevant to the application site:

There are no prior planning applications relevant to the application site.

Under reference 17/12295/SCR, an Environmental Impact Assessment (EIA) opinion as to whether a 18MW solar farm on some 36Ha of land (part of the application site) was sought under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

Issued on 3rd January 2017, the opinion issued for that smaller scheme was that an EIA would not be required.

No formal EIA screening opinion has been sought from the Council in advance of the request for planning permission for this larger scheme. The application has nonetheless been submitted on the basis that the proposals should be considered Schedule 2 development and that it has the potential for significant environmental effects. An Environmental Statement has therefore been prepared and submitted and there is no reason to disagree that the proposal should be rightly regarded as EIA development.

Relevant to Solar Farms in Wiltshire County:

At the time of writing, there are more than 40 working solar farms in Wiltshire County. In addition to this application site, there are several applications for solar farm development of scale under consideration by the Council:

- PL/2023/01914 – Whistle Mead Solar Farm, Little Chalfield, Melksham – 24.14MW (more than 15km south-west of Red Barn site)
- PL/2023/10332 - Land South of Potterne Park Farm, nr Potterne, Devizes – 49.9MW (more than 20km south-east of Red Barn site)
- PL/2023/10077 – Land West of Lyneham Substation – 23MW (c.7km East of Red Barn site)
- PL/2024/04926 – Land East of Blounts Court Farm, Potterne – up to 15MW (more than 20km south-east of Red Barn site)
- PL/2024/09410 – Land East of Battens Farm, Allington, Chippenham – 10MW (c.3km west of Red Barn site)

Figure 1 shows the locations of all planning application sites for solar farms which have been submitted for Local Authority Consent – noting that the plan shows planning applications and does not denote developments which have been constructed.

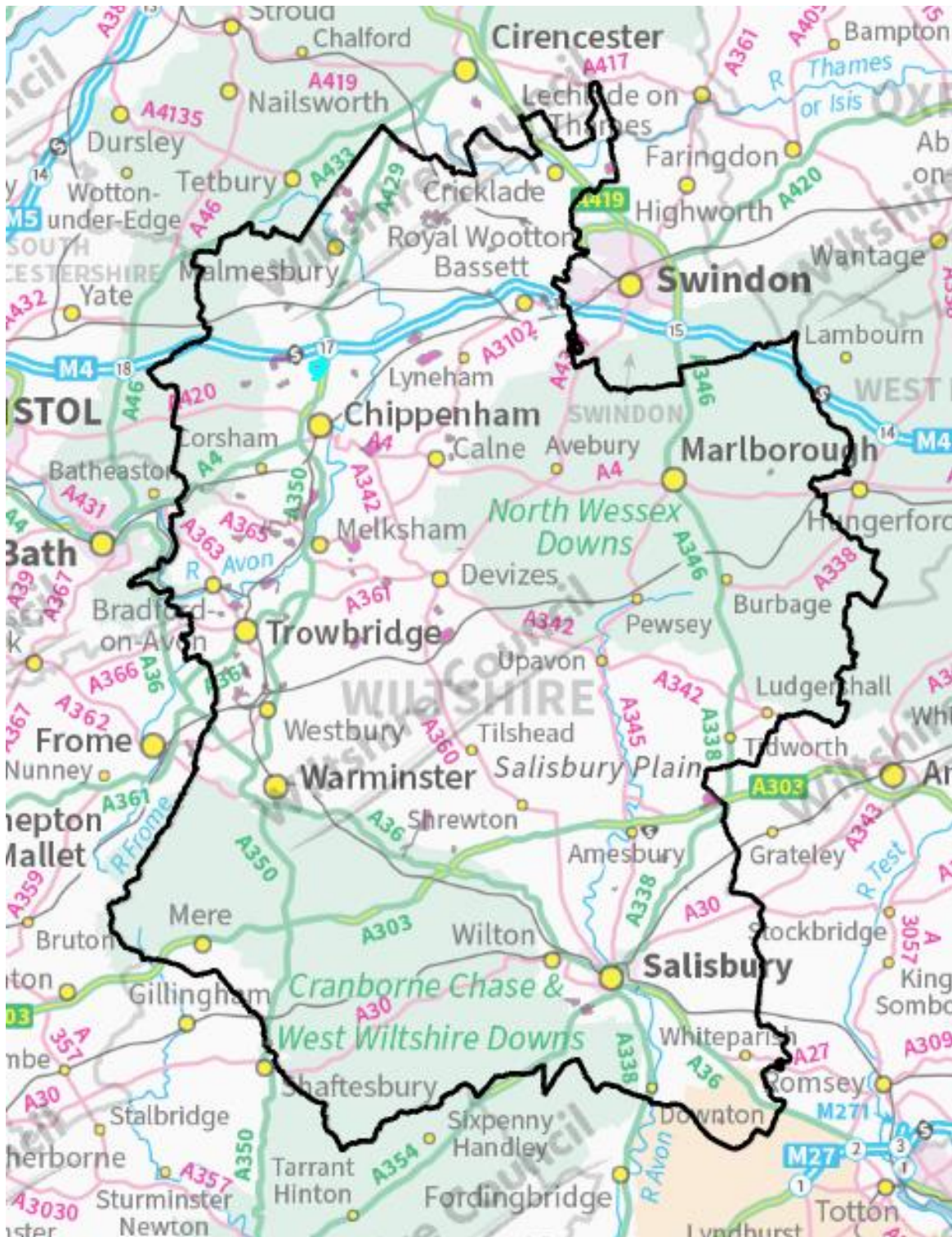


Figure 1: Locations of planning applications for Solar Parks (pink infill) in Wiltshire (black outline) including Red Barn Solar (blue outline near to J17 to M4)

Figure 2 shows a closer view of solar farm planning application sites (regardless of their approval/construction status) near to the Red Barn site.

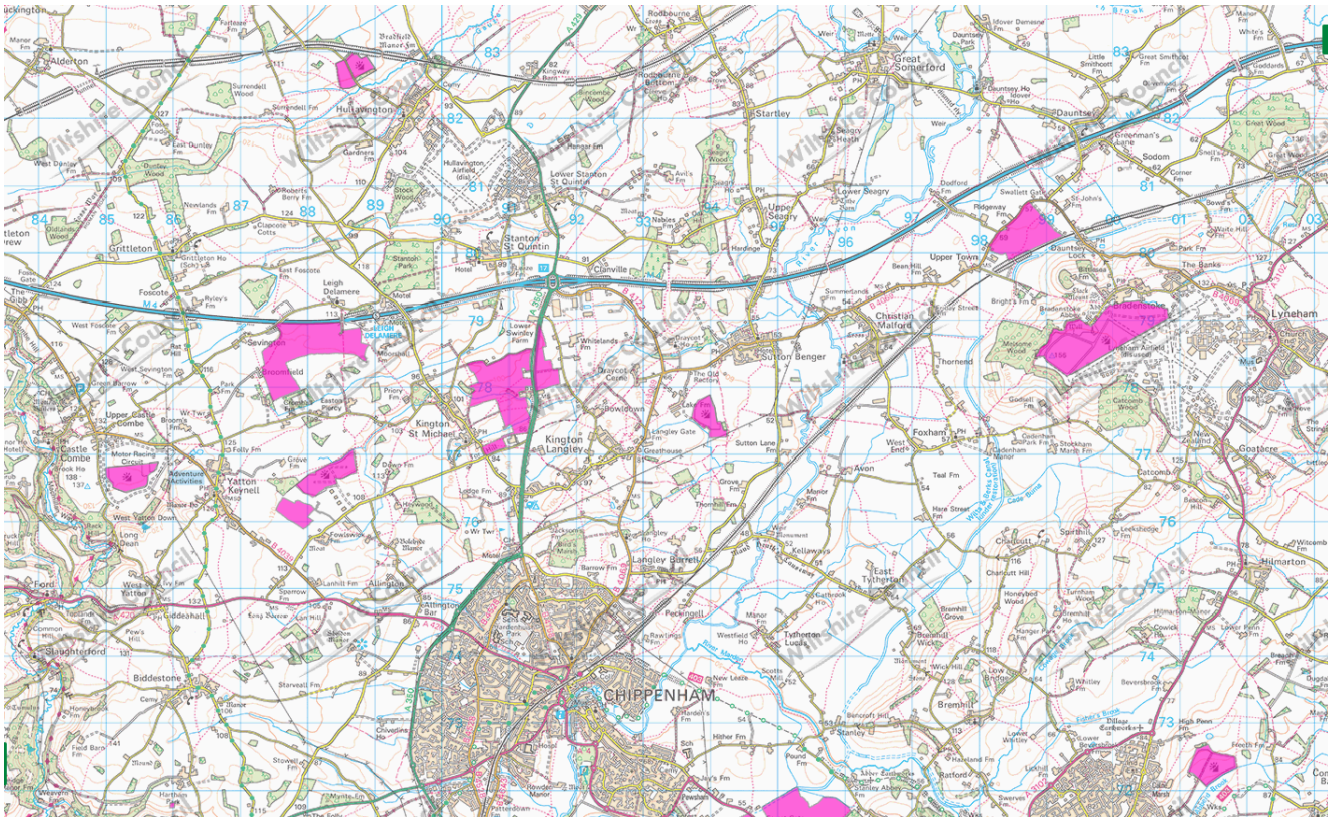


Figure 2: Locations of planning applications/permissions for Solar Parks (pink infill) around Chippenham, including Red Barn Solar (central, North of Chippenham and either side of A350)

It should be noted that land associated with 'Lime Down Solar Park Project' which is a nationally significant infrastructure project (NSIP) to be determined by the Secretary of State, is not shown on figures 1 or 2. At the time of writing, the NSIP is at pre-application stage, with an application expected to be submitted to The Planning Inspectorate late 2025.

For purposes of transparency, part of the indicative masterplan embedded within the Lime Down applicant's consultation information associated with the Lime Down NSIP has been shared below (figure 3). The infilled red areas show the proposed site for solar infrastructure and mitigation/enhancement measures, and the hatched area indicates the proposed location of a battery storage facility which would be north of Hullavington Solar Farm (shown in the northmost position on figure 2), separated by the rail line.

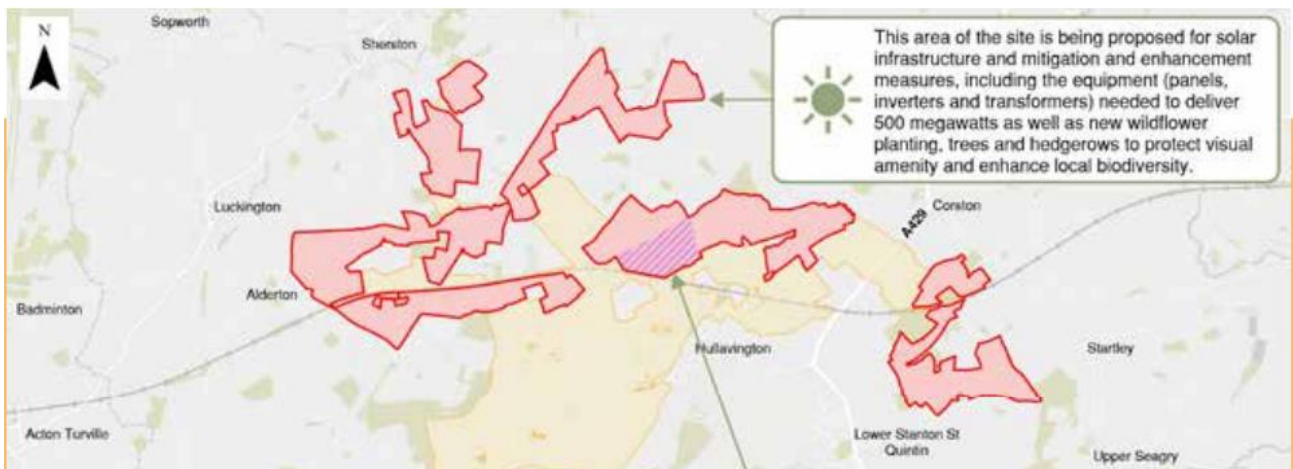


Figure 3: Stage One Consultation - Indicative Masterplan associated with Lime Downs NSIP.

5. The Proposal

The original scheme proposed the installation of a solar farm of up to 40MW of generating capacity, along with an associated 40MW battery energy storage capacity.

The scheme has undergone revisions and the submission of additional information following concerns and objections raised, including the removal of the Battery Energy Storage System (known as BESS).¹ Necessary and appropriate consultations have taken place, and it is on the revised/additional details that this recommendation is made.

The revised proposal seeks planning permission for:

- The installation of solar photovoltaic (PV) panels
- The installation of associated infrastructure and ancillary structures
- Development of associated works including grid connection.

The PVs are to be arranged in field parcels, with a 4.5m wide maintenance track and 3no. access points to the public highway. The parcels of PVs cover some 28.87Ha of the total 102.76Ha site area.

The PV panels are to take the form of east-west arranged rows of “bifacial” (i.e. also using ground reflected sunlight) which are fixed to metal framework. The metal framework has a fixed-tilt and is predominantly connected to piles that are driven into the soil (some PV panels were previously shown to be erected on concrete feet but have now been omitted within the revised scheme). Arrays which are finished with 2 rows of PV panels (2P modules) are proposed to have a maximum height of 2.47m and those finished with 3 rows of PV panels (3P modules) are proposed to have a maximum height of 2.695m.

2.0m high security fencing (described as “deer proof fencing”) is proposed for installation around each parcel of PV’s. The fencing is to be installed and located in ways that will not disturb existing hedgerows and is designed to allow small mammals to pass. The maximum height of the proposed wooden posts to serve the fence will be 2m above ground level, with each post distanced approximately 3.5m from one to the next.

Central inverter substations are to be positioned within many of the parcels and further ancillary buildings will be located within one of the two parcels closest to Kington Farm buildings (accessed via Allington Lane) which will provide a “Distribution Network Operator substation”, a “customer substation”, “customer cabin” and “spare parts cabin”. All such structures have the appearance of shipping containers, resulting in a somewhat temporary and entirely utilitarian appearance.

The proposed route of the connection to the national grid leads from the southernmost parcel of PVs alongside Kington St Michael road to the A350 junction, and then south through Chippenham to the existing Cocklebury Lane sub-station. The route amounts to 4km in length and entirely below ground.

Within the application site, the scheme proposes numerous ecological and landscape enhancement measures (resulting in a biodiversity net gain of 53.96% in habitats, 21.63% in hedgerows and 39.26% for watercourses) the provision of a community orchard, woodland pasture, calcareous grassland, wildflower meadows and picnic areas (amounting to some 12Ha in total) and improvements to, plus associated monitoring of the Manor Farm Brook Fields CWS (approximately 6.77ha) These areas will be accessible to the public via five new permissive footpaths and bridleways. Outside of the application site, the scheme proposes that land will be made available to the parish councils for the purposes of dog walking and allotments.

¹ There is no compulsion for the applicant to explain how the development might operate without the BESS element, but they have nonetheless confirmed that there is no technical requirement to co-locate solar PV with BESS, with evidence from the newly created National Energy System Operator (NESO) suggesting a reasonably consistent energy usage between 9-5 on a summers day, which matches the energy generation profile of solar PV infrastructure.

Although not a matter which can be taken into account when determining this application supporting documents also indicate a “community benefit” fund that amounts to £21K p/a (£840k for the lifetime of the project) and the provision of an “educational fund” that amounts to £3K p/a. Additionally, the applicant is providing an opportunity for shared community ownership of the solar farm, with potential for savings on electricity bills, via Ripple Energy.

Prior to the submission of the application, an “Enquiry by Design” event was undertaken in the locality by the applicant: <https://uk.edenrenewables.com/redbarn-solar-farm>.

6. Planning Policy

Though considered as a whole, applicable Development Plan policies are listed below along with relevant legislation and guidance.

[National Planning Policy Framework \(NPPF\)](#)

[Planning Policy Guidance \(PPG\)](#)

[National Policy Statements \(NPS\) for energy infrastructure](#)

[Written Ministerial Statement \(WMS\) UIN HCWS466](#)

[Wiltshire Core Strategy 2015 \(WCS\)](#)

- CP1: Settlement strategy
- CP2: Delivery strategy
- CP3: Infrastructure requirements
- CP42: Standalone renewable energy installations
- CP50: Biodiversity and Geodiversity
- CP51: Landscape
- CP52: Green infrastructure
- CP57: Ensuring High Quality Design and Place Shaping
- CP58: Ensuring the Conservation of the Historic Environment
- CP60: Sustainable Transport
- CP61: Transport and New Development
- CP62: Development Impacts on the Transport Network
- CP64: Demand Management
- CP67: Flood Risk
- CP68: Water Resources

[Saved Policies for the North Wiltshire Local Plan \(NWLP\)](#)

- NE12: Woodland
- NE14: Trees, Site Features and the Control of New Development
- NE18: Noise and pollution
- T5: Safeguarding

[Chippenham Neighbourhood Plan \(CNP\)](#)

- SCC3: Standalone Renewable Energy
- GI1: Protecting and Enhancing Biodiversity
- GI5: Trees, Woodland and Hedgerows
- T1: Provision and Enhancement of Cycle Paths

[Wiltshire Local Transport Plan 3 \(LTP3\)](#)

[National Design Guide \(NDG\)](#)

[Wiltshire Climate Strategy \(2022-2027\)](#)

[Wiltshire Infrastructure Delivery Plan 3 \(2011-2026\)](#)

[Wiltshire Biodiversity Action Plan \(2008\) \(BAP\)](#)

[Green and Blue Infrastructure \(GBI\)](#)

[Wiltshire Design Guide \(WDG\)](#)

7. Consultation responses

Kington St Michael Parish Council – Objection:

Thank you for the opportunity of commenting on this planning application. My Council met on the 23rd November 2023 and has asked me to forward the following comments to you. The Council has strong objections to raise and recommends refusal of the application.

In reaching this conclusion the Council was mindful of the support they gave to application PL/2021/06100, also within the Parish, but sadly on this occasion they are unable to do so.

There has been a significant amount of information provided by the applicant, including pre-application local community consultations and the Council acknowledges that alternative energy sources need to be found.

However, as the support given to application PL/2021/06100 indicates, proposals in order to gain support need to be situated in the right place. In this case the development is of an enormous size and scale that if approved creates a situation where the village is potentially surrounded by solar farms on all sides, removing the unique character of the village and rural surrounds.

Council Members noted that there was a considerable amount of technical information submitted with the application and that they did not have the expertise to comment and so rely on your own Council departments and external consultees/advisors to assess the merits or otherwise.

The Council accepted that it is often the case for solar farms to be sited on rural land leading to the loss of agricultural uses, albeit that some limited grazing is retained, but the increasing number of ad-hoc proposals destroying the open character is deplored.

It is also often the case that proposals contain suggestions that impact is minimised by landscaping proposals. The Council has serious doubts that to hide this development from the A350 and surrounding panoramic views for the next 40 years can and will be achieved. During discussions the issue of “glare” was often raised, particularly to users of the A350.

The Council was mindful of Wiltshire Local Plan policy that proposes that villages and Parishes should be maintained within their rural setting. This huge proposal is clearly contrary to these principles, severely impacting on the visual appearance of the rural landscape.

Moving on to the A350 and local lane highway implications. There are several issues. Firstly, the construction phase, secondly the maintenance phase and finally the decommissioning phase. A continuing phase will be essential to cover emergency services.

It is the Council's belief that any increased traffic levels, particularly HGV traffic, exiting or entering the A350 at low braking and turning speeds will severely impact on highway safety as other users will be legitimately travelling within the 70mph speed limit, or over. The claims made that the designs accord with design manuals may well be correct, but this does not alter the fact that the free flow of the major trunk road will be compromised.

In addition, the use of adjacent rural country lanes for heavy-duty commercial purposes, albeit being used historically for agricultural traffic, is simply not acceptable. In fact this is acknowledged by the applicant who propose the need for personnel to guide and control traffic during the first phase.

The proposals have generated a lot of local comment and the Council is mindful that alongside the objections to the scheme there are supporters who quite rightly support the creation of renewable energy sources and the Council supports this philosophy.

However, the Council needs to consider the overall impact of this proposal that will bring wholesale changes to the character of the landscape setting to the village and Parish and with this in mind must raise objections.

The Parish Council trusts that their observations will be taken into consideration when the application is determined.

Following receipt of revisions, the following additional objection comment was received:

Thank you for the opportunity of commenting further on this planning application.

My Council sees nothing in the amended proposals that would change their original views submitted to you on the 27th November 2023.

There is nothing in the relatively minor revisions that changes the position and scale of the proposed solar farm that ruins the rural aspect of the village. The dangers created both on the A350 and importantly to pedestrians and vehicles at the Tor Hill crossroads and local lanes cannot be ignored and the applicants' offer to carry out works at weekends to ease the burden supports these views.

There can be no doubt that the cumulative effect of numerous ad-hod solar farm proposals in the local area will lead to the unique character of the rural surrounds being destroyed, including the loss of agricultural land uses,

The Parish Council continues to raise objections and trusts that their observations will be taken into consideration when the application is determined.

Kington Langley Parish Council – Objection:

Kington Langley Parish Council objects to the Proposed Eden Renewables Red Barn Solar Farm in the parishes of Kington Langley and Kington St Michael. While we support the creation of renewable energy sources, we consider that this must be done in a way that reduces risks concerning traffic and fires to acceptable levels and minimises the impact on the open countryside and the existing wildlife. The proposed development should be paused until all aspects of concern regarding people safety and impacts on amenities and the environment are fully understood and addressed. We are not satisfied that the documents submitted by the applicant are sufficient to allay all our concerns. An independent risk assessment by ES & ES Ltd has been provided to Kington Langley Parish Council by a Kington St. Michael resident that appears to offer different conclusions from that made by the applicant. Kington Langley Parish Council does not feel it is qualified to assess conflicting reports from experts and respectfully

requests that the Planning Officer should take appropriate advice from independent experts to inform their decision.

Traffic Risk & Site Access

Although some mitigating measures have been outlined in the applicant's "Outline Construction Traffic Management Plan" to address risks concerning construction traffic (leaving and joining the A350 and the Tor Hill crossroads) - significant concerns remain. The construction phase will require about 1,100 deliveries (i.e., 2,200 movements), the majority of which will be 16.5m HGVs.

The site access at the north-west section of the site off the A350 will be widened to accommodate 16.5m articulated vehicles (the longest). The applicant claims this arrangement is in accordance with the Design Manual for Roads & Bridges CD123 (DRMB). However, this will require the HGVs used to slow to 5MPH to exit the A350 Dual Carriageway whilst other traffic continues at speeds of up to 70MPH and egress is directly onto the A350 Dual carriageway with other vehicles often at these high speeds. The applicant also states that access to the Kington Farm site entrance will be via the Tor Hill cross road, which will have a slight improvement to the hedging and visibility as well as banksmen to guide and control traffic. The access to the eastern area of the site for construction traffic from the A350 will also be widened to cater for the 16.5m articulated vehicles.

An independent risk assessment by ES & ES Ltd referred to above carried out a review of the three proposed access points into the solar construction. It used the industry standard model for assessing the likelihood and severity of road traffic accidents. It found that for each access point there is at least a very high likelihood of a serious road traffic accident (that could involve pedestrians or cyclists). We are not aware of a risk assessment having been produced by the applicant that supports their proposed site construction access methodology.

We are concerned that the proposed access points to the north-east and north-west parts of the site from the A350 do not conform to the DMRB with regard to designated splays, kerb profile and design, a blind bend travelling southbound and slow exits into fast moving traffic. Currently these access points are for farm vehicle movements and are not designed for the proposed 1,106 HGV construction vehicle deliveries proposed in total.

The main public pedestrian footpath into and out of the village of Kington St Michael towards the A350 and the Plough Lane crossroads crosses the lane to Hill Farm at the Tor Hill crossroads. The lane is two-way and narrow with four blind bends which makes it unsuitable for 16.5m HGV construction vehicles (existing signage provides information that the lane is unsuitable for HGVs).

Any situation which involves a high probability of a road traffic incident that could involve a fatality or life changing injuries must be avoided.

The construction period and number of construction workers involved means the project has to be reported to the Health and Safety Executive. The Construction (Design and Management) Regulations 2015 require that mitigating measures are in place to minimise risks to acceptable levels. It is unclear how the safety of the workers on site, the drivers of the delivery vehicles and other road users, including pedestrians, will be assured.

Environmental Risk of a Battery Fire

The type of battery to be used has not been specified. The Outline Battery System Management Plan (OBSMP) says they plan to install Lithium Iron Phosphate batteries. We understand that the applicant does not want to be too prescriptive about the battery type as technology is likely to improve with time. Intending to do something isn't the same as stating what will be done. They

could say they will use Lithium Iron Phosphate batteries or batteries safer than that type (recognising technological developments) but, as they haven't said that, they could use Lithium-Ion batteries (which would be less safe). They claim the proposed batteries do not represent a fire hazard and will be installed with temperature monitoring and their own fire suppression systems. The type of battery will affect the fire risk and in turn the risk to the environment and we consider that this risk needs further consideration. Toxic fumes and / or runoff from a fire could potentially affect Kington St Michael and its residents for many days as well as badly contaminate the land.

We consider that the site should have suitable access and turning circles for emergency vehicles (emergency access is severely restricted due to the significant area of the solar farm) as well as sources of water to extinguish a fire. We are not aware that a Fire Safety Emergency Response Plan (FSERP) has been produced, which would be appropriate for the size of the proposed battery storage.

Comments have been added to this Planning Application by the Dorset & Wiltshire Fire and Rescue Service who indicated that at the time of submission of their comments - they had not had any consultation with the applicant. They recommend that before planning permission is granted, the layout, access and provision of a suitable water supply that complies as far as is reasonably practicable with the minimum requirements under B5 of Approved Document B, The Building Regulations 2010 should be mandated.

We also note that there has been a recent example of emergency vehicles not being able to make progress along the A350 given the safety barriers between each carriageway and this could cause additional access problems for the emergency services.

Other Concerns

We also have other concerns which include:

Wiltshire Core Policy 51 – Landscape, Sections 6.79 and 6.8, seek to protect, conserve and enhance Wiltshire's distinctive landscape character. The size of the solar panel installations (101,000 across 145 acres) proposed would severely impact the landscape character.

There are about 973m of public rights of way (PROWs) across the site and this development will encase the PROWs and pathways by 2m high fencing. This high fencing could significantly restrict access to assist anyone in need of urgent help. It is not clear how emergency access and support could be provided.

The Agricultural Land Classification Map South West Region ALC006 indicates that the land surrounding Kington St Michael is Grade 3. This map was also used in the land classification for the 88-acre Leigh Delamare solar farm application (PL/2021/06100); however, the report from Amet Property (submitted by the applicant) graded nearly 80% of the land as Grade 4. We are concerned with this discrepancy and perhaps an independent assessment is needed?

There is little information concerning what will be involved with the installation of the 33kV power cable. This will need substantial trenching and protection from being disturbed (by man and nature). The energy loss from the 33kV high voltage power cable can be calculated. We are not aware of figures being provided but the energy loss will raise the cable's temperature which will warm the ground it passes through as well as the watercourse feeding the ponds.

Eden Renewables claim that the solar farm is temporary but the pile material will be in the land for over 40 years and no evidence has been presented that shows the construction piles can be fully extracted after 40 years. Also, no evidence has been provided to demonstrate that the corrosion of the piles in the ground will not restrict the return of the land for agricultural food use. This is a concern because we understand that suppliers of construction piles for solar farms

typically provide a warranty for 30 years. For a solar farm with a 40-year proposed lifespan this does not qualify as sustainable construction.

Following receipt of revisions, the following additional objection comment was received:

Kington Langley Parish Council objects to the revised Proposed Eden Renewables Red Barn Solar Farm. We support the creation of renewable energy sources but, although risks concerning fires and pollution from battery storage no longer exist, the adverse impact on the heritage assets and the open countryside remain significant.

The National Planning Policy Framework (NPPF) requires any harm resulting from a development to be taken seriously and weighed against its benefit to the public. The 59ha of fenced solar panels will affect the views to and from the homes in Kington St Michael and the setting of its heritage assets.

The revised plans show a small increase in the distance between part of the western edge of the solar panels and some homes in Kington St Michael. This change is welcomed but does little to reduce the impact overall on the visual amenity for residents of the village or its landscape setting. The existing large open countryside appearance would be lost with solar panels defining its character.

This is a major proposal that requires a very detailed examination of much information and assessed against many planning regulations, frameworks, policies and guidance. In particular we note that the covering letter from Tor&Co "Amended/Additional Information", Reference 264902, dated 2 May, 2024, refers to updated NPPF (December 2023) and National Policy Statements (designated in January 2024). Their letter says there is now a "policy presumption that the urgent need for Critical National Priority (CNP) Infrastructure to achieve UK energy objectives, together with the national security, economic, commercial, and net zero benefits, will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy. CNP Infrastructure is defined as nationally significant low carbon. NPS EN1 is clear that NPSs can be a material consideration in decision-making".

Also, the statement made by the Secretary for Energy & Net Zero on 15 May, 2024, says that while "solar and farming can be complementary" developers must also have "consideration for ongoing food production." The Government recognises that some solar projects can affect the local environment and lead to unacceptable impacts for some local communities and it is seeing geographical clustering of proposed solar developments in some rural areas. Wiltshire already has 54 solar farms covering 3000 acres either under construction or in operation with 7 of these amongst the top 10 largest in the country. The 49.9MW Leigh Delamere solar farm that has been granted permission is only 1km northwest of Kington St Michael. Also, the southern end near Hullavington of the 500MW Lime Down development would be less than 5km from the proposed site. It is important to consider the cumulative impact where a number of solar farm proposals come forward in the same locality.

We do not have the expertise within our Council to carry out the level of assessment that this application deserves, in particular how the many planning policies etc are applied to assess its pros and cons. However, we do consider the proposed development would harm the visual amenity, the landscape setting and conservation of the heritage assets. While we have a responsibility to seek alternative energy sources to help protect the environment, this needs to be balanced with protecting the heritage assets and enjoyment of the countryside

Castle Combe Parish Council – Objection:

We share the concerns expressed regarding road safety on a very busy stretch of the A350 as expressed in the comprehensive summary report

Luckington and Alderton Parish Council – Object:

Luckington and Alderton Parish Council wish to register an objection to the planning application PL/2023/08481 by Eden Renewables, for the construction of a Solar Farm east of Red Barn, Kington St Michael, Chippenham.

Whilst we generally support the use of renewable energy, not all proposed sites are suitable for such projects. We are particularly concerned that the distinctive landscape of North Wiltshire, which already has a very high density of solar farms (either already constructed or proposed) has already been damaged. The proposal for the Red Barn Solar Farm will cause further irreparable damage to the local landscape, local archaeological record and the distinctive countryside.

We are specifically concerned that the application lacks the following important provisions:

- *No risk assessment has been produced in relation to the site construction access areas.*
- *No Fire Safety Emergency Response Plan (FSERP) has been produced regarding the proposed battery storage and other areas of the site, specifically relating to ensuring suitable measures to respond extinguishing lithium iron phosphate fires.*
- *No suitable provision for access and turning circles for emergency services responding to an incident on the site.*
- *There is no evidence of the involvement or engagement with the Health and Safety Executive regarding guidance on the design of the solar farm installation or the response to any adverse incident on the proposed site.*
- *There is no evidence of the developer engaging with Wiltshire Police, Dorset and Wiltshire Fire & Rescue Services or the NHS / South West Ambulance Service to develop a suitably robust multi-agency response plan in the event of an incident on the proposed site either during or post the construction phase.*
- *The proposed solar farm proposes to change currently productive farmland for industrialised use. This is undesirable at a time when food security is nationally important.*
- *Wiltshire has seen a disproportionately high level of Solar Farm developments in recent years. Numerous other solar installations are currently being planned. Enough is enough, it is time to stop the loss of productive rural farmland to Solar Farms in North Wiltshire.*
- *Whilst the developers propose to return the site to agricultural use after 40 years of 'industrialised' use. No evidence or research has been produced to confirm that the galvanised piles securing the solar panels can be removed safely, without leaving metallic contaminants in the ground from delamination or other sources.*
- *Considering the points made above, Luckington and Alderton Parish Council feel that this application is incomplete, undesirable and contravenes elements of the following:*
 - o *Wiltshire Core Strategy 2015 – 2026 Strategic objective 5 and core policies 42 section 6.38 / 6.39, 50, 51, 58 and 62.*
 - o *National Planning Policy Framework 2023 section 12 subsection 126, 130, 132 and 134 in addition to section 15 and 16.*
 - o *Construction (Design and Management) Regulations 2015 sections 17, 27 31 and by implication the Health and Safety at Work Act 1974.*

Chippenham Town Council – No objection:

“...do not wish to comment on it given its location is some distance from Chippenham.”

St Paul Malmesbury Without Parish Council – Objection:

The St Paul Malmesbury Without Parish Council wishes to add its objection to planning application PL/2023/08481 - Land at Red Barn, East of Kington St Michael, Chippenham. In line with three other local parish councils, this council is concerned about the impact this proposal will have on highway safety during the lengthy construction phase, albeit Wiltshire Highways believe these dangers can be mitigated by suitable conditions, the loss of currently productive farmland for industrial use which is undesirable at a time when food security is nationally important and further irreparable damage to the local landscape, local archaeological record and the distinctive countryside. Notwithstanding WH's view that any highway safety issues can be resolved with suitable conditions, this council strongly supports the views expressed by local people that the dangers that will be created on the A350, and importantly to pedestrians and vehicles at the Tor Hill crossroads and local lanes, must be given full weight in the determination of this application.

The council is of course broadly supportive of the use of renewable energy but only on those sites where the perceived benefit outweighs the harm to the local environment and community. Not all proposed locations are suitable for renewable energy projects, indeed the council is particularly concerned that the distinctive landscape of North Wiltshire, which already has a very high density of solar farms (either already constructed or proposed) has already been damaged.

Naturally the concerns expressed above have to be of a very general nature because this is an extremely complex application and the council does not have the necessary expertise to carry out the level of assessment that this application requires, however it sincerely hopes that the technical responses from those individuals that hold this expertise point to a refusal of this unwelcome and speculative application.

Bidestone and Slaughterford Parish Council – Support:

I am responding on behalf of Bidestone and Slaughterford Parish Council, nearby to the site. We support this application. Solar PV is essential if the UK is to meet its statutory obligations under the Climate Change Act, and local Solar is needed to meet Wiltshire Council's goal of carbon neutrality by 2030 (currently only 5.8% of Wiltshire's energy demand is met by renewables). This application contains significant measures to mitigate the impact of the development, including visual screening, continued agricultural use, significant biodiversity gains, and major local community benefits including a community fund, energy purchase scheme, community orchards and allotments, wildflower meadows and new permissive footpath access. The argument some make that solar farms compromise food security is false. Even if the UK were to meet its 2035 target for 100% renewable/low carbon energy, only 0.5% of the UK would need to be covered by solar farms - less than the land currently covered by golf courses. The land used is low grade agricultural land and remains in agricultural use via grazing, and the biodiversity improvements will benefit agriculture through supporting pollinators and improving soil quality. Finally, climate change is by far the biggest threat to food security (source: UN), so if we want food security we need more renewable energy.

Council Highway Engineer – No objection, subject to condition(s):

I refer to the amended and additional details submitted in support of the above planning application.

The application has removed the battery storage element of the project from the proposal, which results in a reduction in 272 HGV movements across the build program. The revised proposal would generate an average of 6 HGV deliveries per day compared to the 7 HGV deliveries on the original scheme.

Other aspects of the proposal remain the same, with construction traffic being split across three construction access points, and with improvements proposed to each point of access to ensure safe access of HGV traffic. Such improvements would be subject to a highways agreement to approve the technical designs and to supervise the works.

The central crossing points on the dual carriageway between the northernmost parcels to the east and west of the A350 will also need to be closed off part of the agreement for the highway works to ensure that this area is not used by construction related traffic.

Detailed arrangements within the construction compounds have not been submitted but would be expected to form part of a detailed final Construction Management Plan (CMP) which will be requested as a condition of any approval. The details of the location and type of wheel wash facilities will also be required as part of this CMP, to ensure it is fit for purpose.

Such a final CMP would also be expected to provide details of the exact numbers of contractor staff and associated vehicle movements, and any proposals for car sharing or mini-bus use to minimise vehicular movements.

The revised Outline Construction Traffic Management Plan April 2024 (OCTMP) has addressed the comments made in the Highway consultation response dated 27th November 2023 with the Road Safety Audits for the proposed construction accesses and the traffic management requirements during the use of these accesses for the construction of the solar farm.

Allington Lane only serves as access to Kington Farm but is also used as a short cut route for vehicles from the villages to the east to access the A350 and the M4. The landowner of Kington Farm has accepted that all vehicles associated with the farm use will be restricted to a left in, left out access arrangement during the construction hours for the solar farm to ensure that there would not be conflicting vehicle movements along Allington Lane. The audit of the lane has identified three existing passing points along its length which would be suitable for a car to use in the event that a HGV is travelling in the opposite direction.

However, there has been no stated details of the available carriageway widths and no swept path analysis of HGVs using the lane to confirm that the suggested passing places, in their current form, would be fit for purpose. I would therefore request that details of the width of the lane and swept path analysis is provided to confirm this, but it is also included as a requirement in the recommended conditions below.

The Road Safety Audit for the proposed construction accesses has not raised any significant issues. The improvements to these accesses will be the subject of a S278 agreement with the Highways Authority to ensure the design and construction are fit for purpose.

With regard to the Road Safety Audit for the traffic management proposals during the construction process, this raised a few issues which have subsequently been addressed in the revised drawings.

The proposal for the accesses and the traffic management during construction are therefore considered to be acceptable but will be subject to formal approval through the S278 process. This will also include the Temporary Traffic Regulations Order to reduce the speed limit to 50mph throughout the duration of the construction works.

During the operational phase of the solar farm, the maintenance vehicles would use the same accesses for the western parcels of land as proposed for the construction phase, being Allington Lane and Red Barn, with the eastern site utilising an existing access direct onto Day's Lane. The frequency of access is indicated as being approximately twice a month by transit van.

Whilst access for maintenance vehicles to the western parcels would be via the improve accesses, the eastern parcel would utilise an existing access off Day's Lane. The visibility at this point of access has been shown to be 2.4m by 215m in each direction, although this is limited to 2.4m by 62m to the north and 40m to the south to the tangent with the edge of the carriageway on the outside of the road bend. Day's Lane is lightly trafficked and observed speeds are lower than the maximum permissible, and therefore the point of access is accepted for the limited use required for maintenance access.

The swept path analysis confirms it to be appropriate for access by a light van. There has, however, been no detail of the location for parking and turning that would be dedicated for this purpose, and for clarity this should be provided.

I would also make comment on the existing surfacing of the access, which is currently an unsurfaced filed access, and which should be of a consolidated and bound surface for a minimum of 10 metres from the edge of the Day's Lane carriageway.

With regard to the decommissioning of the solar farm, a decommissioning plan with appropriate traffic management will be required, and a suitably worded planning condition should be sought. A suggested condition is set out below.

The Countryside Access Team has provided comments in regard to the impact of the proposals on the Public Rights of Way affected by the development, and any requirements to safeguard and enhance the routes.

Having regard to the above, subject to details confirming the swept path of an HGV passing a cat at the suggested passing bays on Allington Lane, I would recommend that no highway objection is raised subject to the following conditions being attached to any permission granted.

The following further representation was received:

I refer to my previous consultation response dated 11th June 2024, and the additional details submitted in respect of the swept path analysis for Allinton Lane dated 11th July 2024.

There has also been some discussion with the applicant's consultants regarding the re-wording of one of the suggested conditions relating to details for the width of the access tracks, and an amended condition is recommended below.

- *No development shall commence on site until full engineering details of the site accesses from the A350 and the improvements to the Allington Lane/Tor Hill crossroads, together with appropriate details for traffic management, have been submitted to and approved in writing by the Local Planning Authority. The improvements to the accesses shall be constructed and laid out in accordance with the approved details prior to any development commencing on the sites.*

REASON: To ensure that the access junctions are laid out and constructed in a satisfactory manner.

- *Eastern Access A350
No development shall commence on site until a visibility splay has been provided between the edge of the carriageway and a line extending from a point 4.5m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 295 metres to the north from the centre of the access, in accordance with the approved plans. Such splay 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.

- *Western Access A350*
No development shall commence on site until a visibility splay has been provided between the edge of the carriageway and a line extending from a point 4.5m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 215 metres to the south from the centre of the access, in accordance with the approved plans. Such splay 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.

- *Allington Lane Access (Southern Land Parcel)*
No development shall commence on site until a visibility splay has been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 100 metres to the west from the centre of the access, in accordance with the approved plans. Such splay 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.

- *No development shall commence on site until details of the proposed width of the access tracks, including any passing bays, between the public highway and the site compound, have been submitted to and approved in writing by the Local Planning Authority.*

REASON: In the interests of highway safety.

- *The development hereby permitted shall not be first commenced until the access tracks between the public highway and the site compounds have been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.*

REASON: In the interests of highway safety.

- *The development hereby permitted shall not be first brought into operation until the Day's Lane access for a distance of 10 metres from the Day's Lane carriageway edge has been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority*

REASON: In the interests of highway safety.

- *The development hereby permitted shall not be first brought into operation until parking and turning arrangements for maintenance vehicles at the Day's Lane access have been constructed within the site to the satisfaction of the Local Planning Authority, in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Such parking and turning space shall thereafter be maintained free of obstruction at all times and shall not be used for any other purpose.*

REASON: In the interests of highway safety.

- *Upon the expiration of the life of the solar farm, a decommissioning plan to remove the solar panels, together with any supporting/associated infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. Such a decommissioning plan shall include the traffic management requirements to manage the HGV and contractor movements affecting the public highway network.*

REASON: In the interests of highway safety.

- *No development shall commence on site until a Final Construction Management Plan, together with a site plan, which shall include the following:
 1. Traffic routeing plan;
 2. Traffic routeing signs and HGV turning warning signs (including signage drawing(s));
 3. Details for off-site and on-site traffic management ensuring that the arrivals and departures of HGVs are controlled to avoid any conflict;
 4. Traffic Management Plan (including signage drawing(s)), and the use of banksmen;
 5. Details of temporary/permanent Traffic Regulation Orders;
 6. Phasing plan;
 7. Number (daily/weekly) and size of delivery vehicles;
 8. Number of construction staff vehicle movements;
 9. Parking and turning of delivery vehicles, site operatives and visitors;
 10. Loading and unloading of plant and materials;
 11. Hours of construction, including delivery schedules;
 12. Storage of plant and materials used in constructing the development;
 13. Location and type of wheel washing facilities;
 14. Pre-condition photo survey;
 15. Details confirming the passing bays on Allington Lane to be fit for purpose, in terms of construction/surfacing and dimensions;
 16. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 17. Measures to control the emission of dust and dirt during construction;
 18. A scheme for recycling/disposing of waste resulting from demolition and construction works; and
 19. Measures for the protection of the natural environment. has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction management plan without the prior written permission of the Local Planning Authority.*

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.

- *Pre-condition Survey
A photographic pre-condition highway survey to be carried out on the C154 Kington St Michael Road between the A350 to the east to Tor Crossroads, and the full length of the C153 Allington Lane. Copies of the pre and post condition survey to be supplied to Wiltshire Council.*

The applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

- *Informative:
The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a S278 agreement will be required from Wiltshire's Highway Authority before any works are carried out on any carriageway, verge or other land forming part of the highway.*

Council Public Rights of Way Officer - Comments:

The developer has engaged with the local Countryside Access Officer from an early stage and the proposed Permissive Bridleway is a very big improvement to the Public Rights of Way network. It would be wonderful if this proposed Bridleway could be dedicated as a Public Bridleway to provide a benefit to users of the Public Rights of Way network long after the solar farm has finished its proposed life span.

KSTM37 looks to have been accommodated on the line shown on the Councils online working copy map. I believe that this line is different to the used route on the ground and that the entry points are different. I will be requesting that our working copy is amended so that it matches the line recorded on the County Series maps. I would suggest that the applicant contacts Wiltshire Council for a new shape file so that they can review the positioning of the solar panels in that field. I would also request that KSTM37 is upgraded to a Bridleway so that it links in with Bridleway KLAN36 I would request that a width of 10 meters is left for the Public Right of Way to maintain the open feel of the route.

KLAN33 Should be provided within a 10-meter corridor to maintain an open feel to the Public Right of Way.

KTSM3 and Brown track

The developer has shown the end of KTSM3 in the correct place, they have also linked a permissive path up to KSTM5 if this link could be changed to a Permissive Bridleway then it would create a circular bridleway with no need to go on to a road. If this could be dedicated as a Public Bridleway, that would leave a wonderful legacy.

The developer from what I can see have not shown the existence of a Brown track which follows the same route as KTSM3 but once KTSM3 terminates the Brown track continues further on into the site. The proposed development doesn't appear to impact on the Brown track, but it may still be worth the developer amending their plans to show its existence and to make sure that they do not impact it.

I would like to see any stiles removed from the Public Footpaths within the site if a piece of access furniture is required for the control of livestock, then I would look for the least restrictive option first so pedestrian gates rather than Kissing gates. All structures would need to be authorised by the Countryside Access Officers and comply to the latest British standard.

If the developer was minded to dedicate the two new requested Public Bridleways and upgrade KSTM37 to bridleway then I think we would have gained a reasonable benefit for the public from this development. If they are unable to do this then I would suggest that we look at a section 106 agreement of £5,000 per annum for the life of the solar farm the £5,000 would need to be index linked and could be paid annually or as a lump sum at commencement. This money would be used to improve Public Rights of Way within 3km of the site.

If the developer needs to close any of the Public Rights of Way during construction then they will need to apply to the Countryside Access Officer for a TTRO they will need to apply with a minimum 12 weeks notice and email the rightsofway@wiltshire.gov.uk email inbox.

Brown tracks

The Local Government Act of 1929 passed the responsibility for maintaining rural roads from the Rural District Councils to the County Councils. A large number of routes were taken over that were shown coloured brown on the maps used for the takeover and these routes have become known as 'brown tracks'. These routes were highways for which no maintenance grant was available and were clearly, by 1929, minor highways.

Although historically many of these were vehicular highways, over the years officers have become aware that not all of them did have vehicular rights over them and accordingly the status of 'brown tracks' has to be determined individually (on the balance of probability).

For instance whilst a 'brown track' shown on the Highway Record may also be recorded as a byway open to all traffic in the definitive map and statement, another one may be recorded as a bridleway.

In all cases the 'brown track' will only be maintained by the Council in its role as highway authority to a standard suitable for the local (public) traffic of the area and accordingly much of this is to bridleway standard only.

It is possible to bring evidence to the Council's attention that a right of way has higher rights than are already recorded; for example that a route recorded as a bridleway was once a historic carriage road. However, owing to an Act of Parliament in 2006 the recording of public vehicular rights over these routes is very rare and the highest status that is likely to be achieved is that of a restricted byway.

The following further comment was received:

The applicant has been in discussions with the Public Rights of Way team from a very early stage and this has allowed for some excellent permissive Footpaths and Bridleways to be provided within the application boundary, these will be fantastic links to improve the Public Rights of network by linking together paths that currently terminate on the A350. Perhaps towards the end of the lifespan of the development they will consider keeping the permissive paths in place or indeed dedicating them as Public Rights of Way.

If during construction any of the Public Rights of Way need to be closed, then the applicant will need to apply for a TTRO with at least 12 weeks' notice.

I would suggest that the new Permissive Bridleways and footpaths are made available as soon as it is safe to do so in the interest of public safety.

The permissive Bridleways and Footpaths will need to be signed when they are made available so that they are easy to follow as they will not show up on the Ordnance Survey map.

Any stiles within the development site should be removed if they are not required for the control of livestock, if they are still needed then they should be upgraded to the least restrictive option to allow for as many users as possible to enjoy the Public Rights of Way network.

Any changes to the Public Rights of Way access furniture will need to be authorised by the Countryside Access Officers under section 147 of the Highways act 1980. I'm happy to be the point of contact for that.

Council Drainage Engineer - No objection, subject to conditions:

The application has been supported with a Site-Specific Flood Risk Assessment (FRA). It should be noted that our comments below are reliant on the accuracy and completeness of the FRA and we do not take any responsibility for incorrect data or interpretation made by the authors.

No development shall commence on site until a construction management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, together with details of drainage arrangements during the construction phase, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

REASON: There's a statutory duty to ensure that surface water quality and quantity is managed throughout construction and as not to increase flood risk, or pollution of watercourses.

The applicant is required to submit a robust soil, grass, and/or land management plan maintaining vegetative areas in between the solar arrays at a long length to help interrupt and slow the channelised flows, reducing erosion and also enhance and promote the infiltration and interception capacity This should also include details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified.

INFORMATIVES

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development involves carrying out work within 8m of an ordinary watercourse. This includes watercourse crossing points.

The following further comment was received:

The applicant has submitted additional information to address comments raised by other consultees. No new drainage information has been provided; therefore, the drainage team maintain their position of supporting objection to condition; details of the proposed drainage conditions are covered as part of the drainage consultation response dated 28th November 2023.

Council Landscape Officer – No objection to principle of development, but makes following comments:

These comments follow on from the initial landscape officer consultation response for this application dated 29 Feb 2024.

At pre-application stage, I advised that the site was likely to be considered unsuitable for the scale and nature of development being proposed, and this would likely result in a landscape and visual objection. My initial consideration of the detailed full planning application details confirmed that there would be policy conflict with WCS, CP51: Landscape, arising from the planned insertion of the solar PV and battery energy storage scheme on this land. This was due to the sloping nature of the site, the proximity of the site and the role this land serves to provide a landscape setting to this distinctive traditional limestone village, the numerous Public Rights of Way within and overlooking the site (which provide access to local countryside and visual amenity for local people), all of which in my view, made this land sensitive to the resulting landscape and visual changes arising from the introduction of the nature and scale of proposed development at this location. This would be more impactful upon landscape and visual receptors than other local solar PV developments within the local area, such as those already approved at Leigh Delamere, Battens Farm, and within Castle Coombe Race Circuit.

During the course of the follow up meeting with the applicant's team, I acknowledged that the scheme included landscaping and ecological benefits; agreed with the applicant that enclosing public rights of way within double hedge lines was not the right landscape approach or legacy to leave following eventual removal of development; and welcomed confirmation from the applicant that all fencing, including around electrical infrastructure would be rural in appearance (i.e. Deer proof timber post & wire netting, rather than steel palisade fencing etc); Despite this, I indicated that the scale of development at this location remained a landscape and visual concern, and that the perceptual experience of people using the local Public Rights of Way network, within and adjoining development areas would drastically change, from that of currently walking through and experiencing rural countryside to that of walking through and adjoining a new urban / industrial solar landscape, whether tunnelling effects were avoided along existing

public rights of way or not. I also confirmed that I didn't consider additional landscaping, over and above that already proposed would serve to further mitigate the resulting landscape and visual effects of development, and that this was now a planning balancing exercise for the planner to undertake.

Amended proposals

Following the submission of the full planning submission, the scheme has since been revised. The Battery Energy Storage System (BESS) elements have now been removed from the scheme, their removal from this greenfield agricultural site is welcomed in landscape and visual terms.

Additional information submitted includes technical rebuttals made by the applicant ('Post application technical response' by Tor & Co - April 2024 & 'Applicant's further response' by Tor & Co- October 2024), an addendum to the Environmental Statement alongside revised layout and planting plans.

The removal of originally planned (Pre-app) solar panel field areas from the two fields nearest to the edge of village settlement and retaining these for traditional agricultural use/s does in my mind help to retain an adjoining immediate agricultural setting to the village looking east and away from the village edge, which in combination with the proposed community access land and orchard included within the development proposal should help retain a degree of separation between proposed solar panel areas and the traditional limestone village, and should help safeguard a better perceptual countryside experience and amenity for users of footpath KSTM4 & bridleway KSTM3.

Viewed from further afield, i.e. locations with roadside gaps in vegetation along the A350 (as illustrated by representative Viewpoint 3, the development will still register as a notable change in land cover and will impact the appreciable setting of the village in the foreground of wider views where these are available, which will likely manifest for 10+ years & potentially for the duration of the development.

I am unable to support this scheme in landscape and public visual amenity terms due to the conflict with WCS, CP51. However, I understand that updates to National Planning Policy and National Policy Statements, seek to increase and speed up delivery at scale of new renewable forms of energy production and that this will be an important material planning consideration.

Final Landscape Officer Comments & Conclusion

I accept that the resulting harmful landscape and visual effects arising from the introduction of this large-scale photovoltaic installation at this site would be localised in nature, limited to the site and the village's eastern landscape setting and viewed from across the valley from the elevated western edge of Kington Langley.

I also acknowledge that this area of countryside would be unlikely to demonstrate the attributes and features for it to be technically considered as a 'valued landscape' (in terms of the intended meaning under NPPF (Dec 2023), section 15 Para 180a), which would elevate the weight of identified harm to be applied within the planning balance etc.

These localised harmful effects are still nonetheless considered to conflict with Wiltshire Core Strategy, Core Policy 51: Landscape. This area of countryside serves important functions in relation to providing an agricultural setting to the traditional limestone village itself, and provides accessible local countryside for both recreation and amenity functions to the village community, and it is for these reasons that I am unable to support this application, however, I do remove my original 'in principle' landscape objection in this instance, and ask that this identified harm is acknowledged within the planning balance, alongside the benefits of the community use land

and landscape enhancements & BNG included within the development proposal. The physical PRow improvements provided in the form of new connecting permissive footpaths/bridleway routes, create new circular routes which are also welcomed, although it is noted that these will not form a legacy of this project as they will be removed at decommissioning stage.

I also highlight that the character of 'Malmesbury to Corsham Limestone Lowlands' (Landscape Character Area: 16A – as identified within the 'Wiltshire Landscape Character Assessment') continues to incrementally change due to the proliferation of large scale solar and BESS developments that are already operational, approved, and currently in planning (i.e. since the application was submitted, a further large scale solar development is now additionally being proposed on greenfield agricultural land adjoining the LVIA study area to the west of this site (under application reference PL/2024/09410 - North Allington Solar Farm) alongside the potential development of Lime Down Solar Park (NSIP) north of the M4, both of which are included within this same landscape character area.

Council Arboriculturalist – No Objection:

I note the comments made in the Arboricultural Impact Assessment prepared by ACD Environmental dated 25th September 2023.

The proposal involves the development of a solar farm of up to 40MW ac of export capacity, comprising the installation of solar photovoltaic panels, associated infrastructure and associated works including grid connection on land at Red Barn, East of Kington St Michael, Chippenham, Wiltshire.

The site comprises of three parcels of land to the east of Kington St. Michael, two parcels to the west of the A350 and one to the east of the A350. The use of which is currently agricultural land.

The AIA states that no trees will be removed to implement this proposal. However, some sections of hedgerow are to be removed to facilitate to allow for permissive footpaths, bridleway and maintenance tracks. The total length of hedgerow to be removed is 38.5m but a total of 1.65km of new hedgerow planting is proposed across the tree parcels of land.

The proposed cabling route for the solar farm is proposed to the south of the site within road verges to the point of connection with the grid at the existing substation on Cocklebury Lane, Chippenham.

Appropriate buffer zones to protect trees and hedgerows are shown on the Tree Protection Plans.

The AIA states that due to the varied orientations of the land parcels and the use of solar arrays, the juxtaposition between the proposed solar arrays and retained trees is sustainable for their long-term retention.

I would have no objections to this proposal provided any works which are intended within the RPA of retained trees should be carried out by hand with arboricultural supervision. All works should be carried out as noted in the AIA.

Final comments to revised submission received 14/10/24, raising no objections:

I also give additional comments with regard to the revised Tree Protection Plans on the 21.08.2024 – No objection.

In relation to the revised AIA dated 08.04.2024, my comments remain the same – No objection provided the works are carried out as per the AIA.

Council Conservation Officer – Identifies harm to heritage assets, but at a level reduced from that originally anticipated:

In respect to the initial submission:

Scope of comments:

The following comments relate to the built historic environment.

Policy:

From the point of view of the historic environment the main statutory tests are set out within the Planning (Listed Building and Conservation Areas) Act 1990. Sections 66 that special regard be given to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest which they possess.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 also requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of designated Conservation Areas.

The NPPF outlines government policy, including its policy in respect of the historic environment. Section 16 of the NPPF 'Conserving and enhancing the historic environment' sets out the Government's high-level policies concerning heritage and sustainable development. Chapter 16 of the NPPF require a balanced approach with any harm which would be caused being weighed against the potential public benefits which might be achieved. The NPPF requires local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and of new development making a positive contribution to local character and distinctiveness.

National Planning Practice Guidance provides guidance on interpreting the NPPF.

The Council's Core Strategy Policy CP58 'Ensuring the conservation of the historic environment' requires that "designated heritage assets and their settings will be conserved, and where appropriate enhanced, in a manner appropriate to their significance."

Wiltshire Council's Core Strategy Policy CP57 'Ensuring high quality design and place shaping': A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality.

Historic England Advice Note 2 – Making changes to Heritage Assets illustrates the application of policies set out in the NPPF in determining applications for PP and LBC.

Paragraph 200 requires that applicants describe the significance of any heritage assets affected, including any contribution made by their setting. This should include sufficient information to provide a clear understanding of the significance of the heritage asset and its setting and the potential impact of any proposals on that significance. In this case, the applications are accompanied by a "Design and Heritage Statement" which provides sufficient information to understand the impact of the proposals and is proportionate to their scope. The requirements of the NPPF are therefore met in this respect.

However, the NPPF also provides for the local planning authority to make its own assessment of impact and the following heritage recommendations are offered on this basis.

Significance of assets and contribution of setting:

The NPPF defines significance as the “value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.” Historic England assesses significance in a similar manner, referring to evidential, historic, aesthetic and communal values of a place.

In this case the chief issue are the affect of the proposal on the setting of both designated and non-designated Heritage Assets in the locality.

The key issues are the change from a currently rural and open landscape which has a green tranquil character to solar farm and battery storage facility.

At pre-application stage (20/10033/PREAPP) my colleague expressed concern that the proposal would cause harm to the historic environment a degree of harm that was cited as less than substantial harm. Which should not be seen as being of lesser consequence. Indeed, the wording of the NPPF and the ‘special regard’ by Sections 16 and 66 of the Act requires that any level harm caused should be taken seriously.

The harm identified was explained as follows:

This is a large prominent location set on land between Kington St Michael, the A350 dual carriageway and the west side of Days Lane just north of Kington Langley. There are numerous listed buildings in Kington St Michael, South Sea Farm and barn by Days Lane are listed and there are numerous archaeology monument points across the proposed site. The south west boundary to the site butts up against the conservation area boundary, bringing the development including the EV charging point, close to the designated heritage assets. The proposed site is criss-crossed by historic footpaths and the gently rolling, open fields allow views to and from the village, including the Church of St Michael spire (grade II) and to the far side of the A350. Currently, there are relatively few trees on the land and hedgerows are cut which allows good visibility. The land either side of the dual carriageway undulates alongside the main road, often sitting well below the road level and thus offering better views across the landscape.*

The proposals would fill an area of open land with solar panels and associated infrastructure, tall vegetation and altered access. It is understood that the panels will not be fixed as usually seen, but will rotate from east to west through the day. The panels will detract from the rural setting at the best of times but will be particularly intrusive when they glint in views to and from the settlements and heritage assets. At Day’s Lane, the hedgerow alongside the A350 is currently taller and denser than further south. However, the hedgerows are cut on the Days Lane boundaries and here too the rural landscape will be harmed if rows of solar panels are added.

Whilst there are areas where solar farms can be added with minimal harm to the setting of heritage assets, this is not one of them. The proposals would destroy the rural character and setting of the heritage assets causing harm....

I note that in comparing the Pre-app and the current submission that the applicant has reduced the scope of works table to leave a greater sense of separation from the Village of Kington St Michael and the wester edge of the solar farm. This have lessened the degree of impact of the proposals on the setting of the Conservation Area and the Parish Church. Essentially focusing the impact of the proposal on the corridor of the dual carriageway.

As the Natural England Comments have identified the proposals will cause a degree of change to the rural character of the landscape in which the Heritage Assets identified by the Applicant would be appreciated. I agree with the assessment of my colleague in the works would impact on the significance of the Kington St Michael Conservation Area however I would advise that

the impact on Conservation Area and the Parish Church towards the lower to mid-range of less than substantial harm.

In this case I agree that the applicants heritage statement has correctly identified the Heritage Assets that would be impacted on by the proposed works. I also agree with the Historic England Assessment that it is only the manor in which the appreciation of views of the upper section of the tower of St Michaels Church would be affected and the setting of the West and South of the Kington St Michael Conservation Area is from the road network and the footpaths that traverse the application site.

The desk based heritage statement and the wider application reference the presence of 2m high fencing along the foot and bridle paths that cross the site, and that these would be reinforced by planting. I am concerned that such fencing/enclosure would create a tunnel effect that would prevent the appreciation of views across the landscape towards the conservation area and the perception of the upper section of St Michaels Church Tower and thus impact on the setting of these features.

The other particular area of concern is the pocket of panels north of the Torhill Cross Roads and the lane leading back towards Malmesbury Road, as this area has the potential to have the greatest impact on the appreciation of the setting of the village as one approaches from the south. Whilst there is a degree of screening provided by the existing hedges one has a sense of tranquil rural uses beyond the boundary that would be amended to the solar farm. I am not convinced that sufficient measures are in place to maintain the existing experience as one approaches the village.

Of course the proposal by nature would produce significant public benefits especially in these times of climate emergency, as technology may advance in the future what measures exist from a potential reversibility aspect should the proposed use become redundant due to the advent of more efficient energy generation?

The NPPF confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It makes clear that any harm to a designated heritage asset requires clear and convincing justification.

The proposals will result in harm to the setting of Kington St Michael Conservation Area and St Micheal's Church. The proposals involve only part of the wider setting of the village and Church to the East and South therefore considered as causing 'less than substantial harm' for the purposes of interpreting the NPPF, but they involve the loss of important rural tranquil landscape that serves as buffer from the Dual Carriage Way and separation from the adjacent Village of Kington Langely and should not be seen as being of lesser consequence. Indeed, the wording of the NPPF and the 'special regard' by Sections 66 and 72 of the Act requires that any level harm caused should be taken seriously.

Whilst paragraph 208 allows that a level of harm may be offset by public benefits, which could include conservation benefits, the primarily benefits are associated with the provision solar energy and the secondary benefit of the provision some public open space, the case officer must must apply the tilted balance in this case.

I would suggest further information should be sought prior to final assessment of the case to explore whether further mitigation measures are appropriate to further reduce the degree of harm in respect of further screening to the Southern Pocket of Panels to the southeast of the village of Kington St Michael.

The following additional comment was received:

Please find following additional comments in respect of the above application.

The provision of the additional information is noted, the works still propose a degree of harm as identified in my earlier comments associated with the loss of the rural land use and the principle of the establish of a large solar installation. the loss of important rural tranquil landscape that serves as buffer from the Dual Carriage Way and separation from the adjacent Village of Kington Langley.

The details provided in respect of form of the fencing the impact on the perception the setting of the Village from Torhill Cross Roads have considered in particular.

I am content that the sections through the paths in demonstrate that a tunnel effect would not be caused in this case by the proposed boundary treatments.

In light of the additional information presented I am content that the impact of the installation to south of the village is less than originally assumed and thus the impact on approach to the village from the south will be largely unchanged as perceived from this aspect.

Paragraph 208 allows that a level of harm may be offset by public benefits, which could include conservation benefits, the primarily benefits are associated with the provision solar energy and the secondary benefit of the provision some public open space, the case officer must apply the tilted balance in this case.

Council Archaeologist – No objection subject to conditions

The programme of geophysical survey and archaeological trial trench evaluation identified ditched enclosures sampled by trial trenches T47, T48, T41 and T153. Following discussion with the applicants heritage consultants, and on the understanding that cabling will be restricted to above ground in these areas, I am content that the risk to these enclosures from the proposed development can be adequately mitigated by the preparation of a suitably worded Archaeological Management Plan (AMP). The AMP should establish how the risk to these enclosures is to be mitigated prior to and during the developmental and operational phases of the solar farm.

The AMP is to be secured via a condition to be attached to any planning permission that may be issued and is to be worded thus:

'No development shall commence within the area indicated by application PL/2023/08481 until:

An Archaeological Management Plan, setting out how two archaeological exclusion zones are to be scoped out of the development and then protected from impacts during the developmental and operational phases of the proposals, has been submitted to and approved by the Local Planning Authority

REASON: To enable the protection of any matters of archaeological interest.'

The AMP is to be prepared by qualified archaeologists following the standards and guidelines of the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be borne by the applicant.

In response to the areas of archaeological activity identified by the trial trench evaluation, I would advise that a programme of strip, map and record archaeological excavation be undertaken on the following three areas:

Area A: A Strip, Map and Record archaeological excavation should be undertaken on an area measuring a minimum of 30m by 30m and should be targeted on the pit identified in Trench 5. This area is to include a 5m contingency beyond the last archaeological feature identified within the stripped area.

Area B: A Strip, Map and Record archaeological excavation should be undertaken on an area measuring a minimum of 30m by 30m and should be targeted on the curvilinear ditch identified in Trench 100. This area is to include a 5m contingency beyond the last archaeological feature identified within the stripped area.

Area C: A Strip, Map and Record archaeological excavation should be undertaken on an area measuring a minimum of 30m by 30m and should be targeted on the curvilinear ditch identified in Trench 101. This area is to include a 5m contingency beyond the last archaeological feature identified within the stripped area.

Any archaeological features exposed in the strip, map and record areas should then be planned and recorded, followed by sufficient excavation in order to determine their extent, date and character.

This programme of archaeological strip, map and record excavation should be secured via a condition attached to any planning consent which may be granted. Such a condition is to be worded thus:

'No development shall commence within the area indicated by application PL/2023/08481 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.'

The work is to be carried out following the Standard and Universal guidance for archaeological excavation as set out by the Chartered Institute for Archaeologists (CIfA). The costs of this work are to be met by the applicant.

Council Public Protection team – Comment:

The revised noise assessment demonstrates that there will be a low noise impact from the proposals. On the understanding that the equipment used will have the same noise specification as given with the noise impact assessments, and located in the same position, there are no concerns about noise from the development.

Council Ecologist – No Objection subject to condition:

Thank you for consulting Ecology, I have reviewed the application and additional documents against OS Maps and aerial photography of the site and surrounding area, together with GIS layers of statutory and non-statutory sites and existing records of protected species.

The application is supported by the following documents:

- Planting Plan. Rev S. October 2020. Tor & Co;*

- *Biodiversity Management Plan. April 2024. Wychwood Biodiversity;*
- *Full Ecological Assessment. April 2024. Wychwood Biodiversity;*
- *Response to Comments by County Ecologist. April 2024. Wychwood Biodiversity;*
- *Ecology Buffer Plan. March 2024;*
- *Habitat Table and Woodland Condition Sheets;*
- *BNG Metric V4.0. April 2024. Wychwood Biodiversity;*
- *PV Layout Rev Y. March 2024. Eden Renewables;*
- *Environmental Statement Addendum. April 2024. Eden Renewables;*
- *Bat Activity Surveys. July 2023. Calyx Environmental Ltd;*
- *Breeding Bird Survey report. October 2023. Wychwood Biodiversity and;*
- *Tree protection Plans Sheets 1-20. September 2023. ACD Environmental*

Protected Species and Habitats

Skylark

Twelve notable breeding bird species were confirmed including skylark. Skylark mitigation has been proposed within parcels 17 and 18 within the blue line boundary and is outlined within the Full Ecological Assessment (April 2024. Wychwood Biodiversity) to compensate for lost breeding sites. As this mitigation is to be secured outside of the red line boundary, this strategy may require a separate legal agreement prior to determination.

Bats

The ecology reports have confirmed use of the site by at least 10 species of bat including lesser and greater horseshoe and barbastelle bats. We note that the application was assessed as not requiring AA in relation to the Bath and Bradford on Avon Bat SACs. We would support the conclusions that although lesser and greater horseshoe bats are present within the site, due to the distance of the site from the closest core roost together with the nature of the proposals, we would support this assessment in this instance.

Grid connection route

Additional information to include the location of the connection grid route has been provided and includes details of the mitigation, reasonable avoidance measures, habitat restoration plan and monitoring together with inclusion within the BNG metric.

County Wildlife Site

Manor Farm Brook Fields County Wildlife Site exists within the application boundary. We welcome the proposals to retain and enhance the CWS excluding panels and/or access routes from the area as outlined within the Biodiversity Management Plan. We welcome the relocation of proposed scrub planting to the adjacent field parcel 19 and note that the BNG metric has been updated to reflect this.

The area has been identified as an important foraging and commuting route for bats, although no panels are proposed within the area, lighting details of the adjacent compounds/buildings and security lighting will be required to ensure the retention of a dark corridor throughout the site. This could be secured through condition.

Habitats

We welcome the additional information submitted to include the extent of the ecological buffer zones outlined within 'Ecological Buffer Zone Plan' which demonstrates the feasibility of the proposed habitat margins on site. We welcome the proposals to use existing access points on site and installing cabling by drilling underneath hedgerows to reduce the requirements for vegetation removal and the proposed habitat buffers to ensure construction works do not impact upon hedgerows, trees, woodland edges and waterways. In addition, a number of Reasonable Avoidance Measures have been included within the Biodiversity Management Plan as well as provision for an ECoW during construction. These integrated mitigation measures are welcomed.

Biodiversity Net Gain

This application was submitted prior to Biodiversity Net Gain (BNG) becoming mandatory, therefore BNG per se is not obligatory. However, Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and for major applications the expectation is that development will deliver biodiversity gains. The NPPF also encourages applications to deliver measurable net gains (para 180 d).

We welcome the submission of the updated metric version together with the Biodiversity Management Plan. From the current metric submission it is clear that no net loss has been achieved and net gain has been met through the inclusion of new hedgerows, woodland and parkland together with the creation and enhancement of wildflower meadows.

LEMP

We note the amendments included within the Biodiversity Management Plan to include the additional details requested in our previous response to include a monitoring schedule and adaptive management proposals.

Conditions:

- *Prior to the commencement of works, including demolition, ground works/excavation, site clearance, vegetation clearance and boundary treatment works, a Construction Environmental 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.*
 - b. *Working method statements for protected/priority species, such as nesting birds and reptiles.*
 - c. *Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.*
 - d. *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.*
 - e. *Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).*
 - f. *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.

- *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.

REASON: To avoid illumination of habitat used by bats.

- *The development will be carried out in strict accordance with the following documents:*
 - *Planting Plan. Rev S. October 2020. Tor & Co;*
 - *Biodiversity Management Plan. April 2024. Wychwood Biodiversity;*
 - *Full Ecological Assessment. April 2024. Wychwood Biodiversity;*
 - *Response to Comments by County Ecologist. April 2024. Wychwood Biodiversity;*
 - *Ecology Buffer Plan. March 2024;*
 - *Habitat Table and Woodland Condition Sheets;*
 - *BNG Metric V4.0. April 2024. Wychwood Biodiversity;*
 - *PV Layout Rev Y. March 2024. Eden Renewables;*
 - *Environmental Statement Addendum. April 2024. Eden Renewables*

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

- *Prior to the start of construction, a Landscape and Ecology 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, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.*

The LEMP shall also include details of the legal and funding mechanism(s) by which long term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

- *All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the site or the completion of the development whichever is the sooner,*
 - *All vegetation [and biodiversity mitigation/enhancement features] shall be maintained in accordance with the Biodiversity Management Plan. April 2024 for the duration of the development from the commencement of the scheme and shall be protected from damage.*
 - *Any trees or plants which, 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.*
 - *The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development*

REASON: To ensure a satisfactory implementation and maintenance of the Biodiversity Mitigation and Enhancement Strategy

- *Within 6 months of the date of expiry of any 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 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: To ensure the long-term management of landscape and ecological features retained and created by the development.

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

Informatives:

- Reptile and Amphibians

There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk) .

- Birds and the nesting season

The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.

Council Climate Change team - Support

The climate team actively and strongly encourages developers of all scales to put the mitigation of and adaption to climate change as a golden theme to run through their development project. This is a proposal that is crucial in supporting the council's goal to seek to make the county carbon neutral by 2030. This is a goal set out in the adopted Climate Strategy. The Climate Strategy is part of the council's constitution and is a non-statutory plan of equal standing as the Business Plan. Delivering on the council's climate change commitments will support the delivery of the Business Plan including its own reiteration of the commitment to reducing the county's carbon footprint, an action derived from the council's 2019 acknowledgement of the Climate Emergency.

In short, Wiltshire Council has embedded addressing climate change into its constitution and needs to use its spheres of influence, such as its regulatory planning powers to affect positive change. Its statutory planning decision tool, the Wiltshire Core Strategy, provides a positive framework for standalone renewable energy proposals such as this.

The proposal will generate a significant amount of renewable energy, which the developer reasonably concludes will provide enough power to service the equivalent of around 15,000 typical homes. The developer estimates that this will save significant tonnes of carbon dioxide, annually, by reducing the need to generate electricity through the burning of fossil fuels. The burning of fossil fuels results in the emission of greenhouse gases. The science of climate change is now irrefutable, the emission of greenhouse gases, such as carbon dioxide, through

human activity is demonstrably warming our climate. The consequences of this negatively impact our economy, our society and our environment. This is an issue at the heart of sustainable development. The delivery of sustainable development is what underpins the planning system. Therefore, the NPPF is clear at paragraph 152 that the planning system needs to support the transition to a low carbon future through shaping places in ways so as to contribute to radical reductions in greenhouse gases.

The provision of renewable energy will be key in meeting this challenge. For example, the UK government sets out in its March 2023 document, Powering Up Britain that we will need to aim for a 5-fold increase in solar PV generation by 2035. This means for the UK will need up to 70GW of power, enough to power around 20 million homes. Place this into a Wiltshire context, where solar PV has historically been by far the greatest source of renewable energy (Wiltshire County Report – Wiltshire Carbon Emissions Baselines and Reduction Pathways, March 2022), and is set to remain so, then this proposal would represent an early and significant contribution to net zero ambitions.

Whilst the council's evidence on the delivery of solar PV in Wiltshire has been strong, this is not reflected in other forms of renewable energy, for example wind. The UK government reviewed its national position in the NPPF this year, but did not reverse its 'de-facto ban'. The carbon reduction pathway for Wiltshire sets out a reliance on wind coming forward and this now seems unlikely. So, realistically, solar PV will be the main source of renewable power for Wiltshire in the foreseeable future and will need to compensate for the lack of other renewable energy sources in Wiltshire in the transition to net zero. In short, a net zero future for Wiltshire will mean we need more solar on the roofs of buildings and we will need more standalone installations too.

Without these types of proposals coming forward now then society will have an unrealistic task of firstly reaching net zero, but also then adapting to the environmental consequences of delayed action. This will include more extreme weather causing overheating and flooding.

This proposal does not only seek to provide renewable energy, it also addresses the well acknowledged issue with renewable energy that is intermittent supply. This is achieved through the concurrent delivery of energy storage. This is a significant benefit of the scheme.

It must be considered in the scope of any planning balance that in Wiltshire, like much of the country there are problems with providing grid connections for all types of development. As such, having a proposal in a location where a point of grid connection can be achieved is important and should be afforded weight in any planning judgment.

The developer has clearly set out a range of benefits from this scheme beyond addressing climate change. This proposal will not only help to decarbonise the grid by the 2035 UK Government target, but it will also support energy security by reducing our reliance of fossil fuels, which are often bought from foreign markets that have become increasingly volatile driving higher energy prices. Furthermore, of particular note is that the scheme will help to deliver strong levels of biodiversity net gain which will help to address the concurrent Ecological Emergency. This relates directly to one of the key criteria for assessing renewable energy proposals set out in the development plan and national planning practice guidance.

Indeed, it is clear from a review of the submission that the developer has been conscientious in their approach to making sure that, in realising the significant benefits of providing this renewable energy development, they have minimised and mitigated any potential impacts on wider planning considerations such as heritage assets. If residual impacts are found in any planning assessment, then the council should be positive and proactive in any discussions with the developer to mitigate impacts as far as practically possible. If harm remains, then each benefit of the scheme needs to be apportioned positive weight in favour of granting approval.

The annual carbon reductions of this scheme for example ought to be afforded significant weight because climate change is the central issue to be addressed by the development plan and the importance of the issue has only increased since the extant plan was adopted in 2015.

The following further comment was received:

Since I previously commented I note that there have been some material changes to policy (as set out within the applicant's submission) and also the 15 May 2024 Written Ministerial Statement: Solar and protecting our Food Security and Best Most Versatile (SMV) Land. The WMS does not set new policy but guides on balancing competing priorities. Relevant to this I note that the majority of the land impacted by this proposal is not BMV. Furthermore, planning does not control how agricultural land is farmed. Solar development can allow agricultural use, such as grazing, to continue, whilst energy is generated.

As such, my support for this proposal remains as per my earlier comments. This scheme will make a valuable contribution to reducing greenhouse gas emissions, and support the transition to net zero and energy solar.

Environment Agency – Comment:

Environment Agency position

Provided that the previously proposed battery energy storage systems have been removed from the proposed scheme and removed from all submitted plans, we would withdraw our objection subject to the following conditions and informatives.

Groundwater Protection

This site is within a Source Protection Zone 2, which is highly sensitive to pollution. However, the submitted report 'Post Application Technical Response to Issues Raised by Consultees and Third Parties' (written by Tor&Co, dated April 2024) states that a decision was taken by the applicants to remove all the battery storage from the scheme.

Biodiversity

We note that according to the 'Full Ecological Assessment' (written by Wychwood Biodiversity Limited, dated 30th April 2024 v10) that 5m waterway buffers are to be instated around all waterways within the application site to protect sensitive riverine biodiversity. We also note that within the same document that 'appropriate fencing (e.g., heras) or markers will be erected during construction to protect the brook edges (south parcel) from any vehicle movements or construction activities. Sediment runoff will be controlled using sediment capturing fencing. A Construction Environmental Management Plan (CEMP) will govern the strict control of sediment, hydrocarbons, and other hazardous materials during the entire construction period.' We however, cannot see a submitted CEMP as part of this application on the council's website therefore we request that a condition be added to any permission requesting the production of a Construction Environmental Management Plan (CEMP).

Flood Risk

The 'Flood Risk Assessment and Drainage Strategy' (Written by Rappor, dated April 2024, Job no: 20-868) states that the development footprint would be located within Flood Zone 1. However, we ask that the following condition be added to make sure no ground raising occurs in flood zone 2 or 3. Ground raising can block or impede flood flow increasing flood risk to the surrounding area.

Conditions

- *Construction Environmental Management Plan (CEMP)
No development approved by this permission shall be commenced until a Construction Environmental Management Plan, incorporating pollution and other prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The plan*

shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

- *Condition – No ground raising within Flood Zone 2 or 3
No ground raising shall occur within Flood Zone 2 or 3 as a result of the approved development.*

REASON: To prevent and minimize flood risk.

Informative:

- *Construction Environmental Management Plan (CEMP)
The submitted CEMP must include safeguarding measures to deal with the following pollution risks and impacts:*
 - o *Details of the protection of the watercourse during construction (eg.fencing)*
 - o *the use of plant and machinery*
 - o *wheel washing and vehicle wash-down and disposal of resultant dirty water*
 - o *oils/chemicals and materials*
 - o *the use and routing of heavy plant and vehicles*
 - o *the location and form of work and storage areas and compounds*
 - o *the control and removal of spoil and wastes.*
 - o *How open excavations on site will be dealt with outside of working hours and after dusk to prevent entrapment of mammals that may cross the site.*

Historic England - Comment:

The proposal includes the creation of a solar farm with PV panels, battery storage units, central inverter system and an underground cable route across 102.7Ha of agricultural land within the setting of several designated heritage assets, including the Grade II Church of St Michael in Kington St Michael.*

Although the intervisibility between the site and the highly designated heritage asset is limited, the upper part of the Church Tower is still discernible from areas of the site, which is also traversed by public rights of way and a bridleway. The experience of approaching and contemplating the Church from the open, rural landscape which is its immediate context will therefore be impacted negatively. We consider this harm to be less than substantial.

However, we consider that the proposal will also have a negative impact on a range of other heritage assets such as the Conservation Areas and the grade II assets that are adjacent or in close physical proximity to the site. The latter are outside of Historic England's remit, but this harm will nevertheless need to be thoroughly assessed by your specialist conservation staff for you to determine whether, cumulatively, it outweighs any public benefits associated with the scheme (NPPF, Paragraph 202).

The following further comment was received:

We still consider that this large scale development will erode the rural, open and visually accessible setting of the asset and will create a more industrialised and screened off landscape. We still consider that views of the highly sculptural tower, however limited, and the overall experience of approaching the Church from a number of directions would be impacted.

In our opinion, the proposals would affect and diminish the extent to which the setting is able to contribute to the overall heritage significance of this highly designated heritage, causing a certain degree of harm to that significance.

If it is helpful to your Authority in considering this harm in the wider planning balance, we believe it to be at the lower end of less than substantial harm.

Natural England - No objection, subject to securing mitigation. Extracts below:

Natural England welcomes what appears to be a well considered scheme. We have the following comments to support your authority in making your decision.

The Manor Farm Brook Fields County Wildlife Site (CWS) is located within the proposed scheme and includes various priority habitats, such as lowland calcareous grassland and deciduous woodland. The proposed protection and enhancement of CWS habitats is welcome. The requirement to promote the restoration and enhancement of priority habitats and ecological networks is set out in paragraph 185 of the National Planning Policy Framework (revised NPPF 2023).

A management plan for the CWS should be agreed with your authority's ecology team. Your authority should be satisfied with the proposed buffers from sensitive ecological receptors and achievable condition of the CWS habitats. The agreed habitat conditions should be reflected in the biodiversity metric.

The scheme will impact on a number of protected species including bats and breeding birds. Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. The final protected species mitigation strategy should be agreed by your Authority's Ecology Team.

Natural England welcomes the Skylark mitigation measures. It should be clear where and how many plots are to be provided and this mitigation should be secured by condition for the duration of the scheme.

All measures within the CEMP should be appropriately implemented to ensure impacts on protected species are minimised.

The application is unlikely to harm designated landscapes. Please note, however, Natural England has not reviewed the LVIA in relation to wider impacts on landscape and accordingly has no comment on this aspect of the application. All proposals should complement and where possible enhance local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Natural England also recommends any permission apply a condition to require the site to be decommissioned and restored to an appropriate land use which retains any biodiversity benefits delivered during the scheme when planning permission expires.

From the documents accompanying the consultation we consider this application falls outside the scope of the Development Management Procedure Order (as amended) consultation arrangements, as the proposed development would not appear to lead to the permanent loss of over 20 ha best and most versatile agricultural land.

For this reason we do not propose to make any detailed comments in relation to agricultural land quality and soils, although more general guidance is available in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites, and we recommend that this is followed. If, however, you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Development should provide net gains for biodiversity in line with the NPPF paragraphs 180(d), 185 and 186. It is anticipated that major development (defined in the NPPF glossary) will be required by law to deliver a biodiversity gain of at least 10% from February 2024 and that this requirement will be extended to smaller scale development in April 2024. For nationally significant infrastructure projects (NSIPs) it is anticipated that the requirement for biodiversity net gain will be implemented from 2025.

[...]

We advise you to follow the mitigation hierarchy as set out in paragraph 186 of the NPPF and firstly consider what existing habitats within the site can be retained or enhanced. Where on-site measures are not possible, provision off-site will need to be considered.

Development also provides opportunities to secure wider biodiversity enhancements and environmental gains, as outlined in the NPPF (paragraphs 8, 74, 108, 124, 180, 181 and 186). Opportunities for enhancement might include incorporating features to support specific species within the design of the scheme such as swift or bat boxes or designing lighting to encourage wildlife.

Natural England's Environmental Benefits from Nature tool may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside the Biodiversity Metric and is available as a beta test version.

Further information on biodiversity net gain, the mitigation hierarchy and wider environmental net gain can be found in government Planning Practice Guidance.

The following further comment was received:

The advice provided in our previous response applies equally to this amendment. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

National Highways – No objection:

The application is seeking permission for a 40mw solar array with associated access, landscaping, infrastructure and grid connection, on an agricultural site comprising approximately 103ha either side of the A350, to the east of Kington St Michel and south of St Modwen Park. The site will be served by a number of accesses from the A350. The route for grid connection will travel south from the development site towards the north-east of Chippenham.

The A350 forms part of the local road network for which Wiltshire Council is the relevant highway authority. It will therefore be for Wiltshire Council to determine the adequacy of the proposed access arrangements. However, the A350 does provide a direct connection to M4 Junction 17 located approximately 700m to the north of the most northern part of the development site.

National Highways accepts that the traffic impact of the development on the SRN once in operation is likely be minimal, with the traffic impacts occurring during the construction phase which is expected to last around 7 ½ months. The application is supported by an outline Construction Traffic Management Plan (CTMP) prepared by TPA and dated September 2023.

This has provided a breakdown of likely construction vehicle movements, both by type and volume, with associated construction vehicle routing. In summary, we consider that the development has the potential to generate a worst case of around 20 two-way HGV movements per day for the duration of the construction period. All vehicles will route via M4 Junction 17 but the CTMP recognises the need to manage deliveries to avoid the network peak hours. On this basis, we consider that the development is unlikely to result in a severe impact on the operation of M4 Junction 17.

In terms of any other potential impacts on the SRN, we consider that given the location of the site relative to the M4, the orientation of the panels and intervening topography, the development is unlikely to result in an unacceptable visual impact on motorway traffic or otherwise adversely impact on the SRN asset.

Recommendation

National Highways has no objection to the proposed development.

Standing advice to the local planning authority

The Climate Change Committee's 2022 Report to Parliament notes that for the UK to achieve net zero carbon status by 2050, action is needed to support a modal shift away from car travel. The NPPF supports this position, with paragraphs 73 and 105 prescribing that significant development should offer a genuine choice of transport modes, while paragraphs 104 and 110 advise that appropriate opportunities to promote walking, cycling and public transport should be taken up.

Moreover, the build clever and build efficiently criteria as set out in clause 6.1.4 of PAS2080 promote the use of low carbon materials and products, innovative design solutions and construction methods to minimise resource consumption.

These considerations should be weighed alongside any relevant Local Plan policies to ensure that planning decisions are in line with the necessary transition to net zero carbon.

The following further comment was received:

Thank you for providing National Highways with the opportunity to comment on revised plans submitted in support of the above application for a proposed 40mw solar array located east and west of the A350, south of M4 J17 and north of Chippenham.

Having reviewed the further information provided, including an updated construction traffic management plan, we consider that our recommendation dated 23 October 2023 remains appropriate and we have no further comments to make and no objection to the proposals.

Dorset and Wiltshire Fire and Rescue – Comments:

Whilst Dorset & Wiltshire Fire and Rescue Service 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.

Since these sites generally fall outside the requirements of Building Regulations due to the temporary nature of the structures, the Fire and Rescue Service (FRS) are not generally in a position to comment or make representation regarding the design of the site. We take this opportunity to make early observations and provide comments or recommendations in line with current guidance to influence the development.

We are keen to work with developers to ensure we understand the new technology and potential impact it may have on the surrounding area.

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 HSE but in the absence of regulation under 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.

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.

Our response crews have been provided with additional training and awareness in the hazards and risk management of BESS installations and as such the risk to them is considered to be controlled, although it would be true to say that the risks cannot be eliminated completely as has been evidenced from fires in BESS sites in other parts of the world.

The following recommendations should be considered at the design stage and early contact with the FRS for site familiarisation and exercising of emergency plans is strongly advised. The proposed safety measures should cover the construction, operational and decommissioning phases of the project. Any development should not negatively impact on the Service's ability to respond to an incident. The Responsible Person must carry out and regularly review the Fire Risk Assessment and Risk Management Plan.

It is our recommendation that before planning permission is granted, the layout, access and provision of a suitable water supply comply as far as is reasonably practicable with the minimum requirements under B5 of Approved Document B, The Building Regulations 2010.

Please also consult the latest guidance - NFCC BESS Planning Guidance Document.

Water Supplies

Fire service resources for the provision of water include standard fire engines, bulk water carriers and High Volume Pumps (HVP's) with additional resources available from neighbouring services through National Resilience capabilities if required. The delivery of water to a BESS site would inevitably require multiple vehicles for a prolonged period.

Specific consideration should be given to water supply resilience for manual firefighting and the terrain over which fire service vehicles may have to drive to access the site. This is particularly relevant where remote sites may have limited access to fire hydrants and where multiple vehicles may be required to ensure continuous water supply.

Current guidance states the water supply should be able to provide a minimum of 1,900 l/min for at least 120 minutes. DWFRS may wish to increase this requirement dependant on location and their ability to bring supplementary supplies to site in a timely fashion. Hydrants should be subject to suitable testing and maintenance by the operator. If a suitable pressure fed water supply is not available, then an Emergency Water Supply (EWS) meeting the above standard should be incorporated into the design for example, a water storage tank or open water source.

- An assessment should be made on the location of fire water tanks. It is recommended that water supplies for boundary cooling purposes should be located close to BESS containers (but considering safe access in the event of a fire). Applicant to confirm the capacity and mechanism for manual firefighting. Access, space and a hardstanding for a pumping appliance should be*

considered. Current guidance suggests a minimum distance of 10m between water tank and BESS container/cabinet.

- Current guidance states water supplies should meet the requirements of ADB Vol 2 B5 where reasonably practicable, which would normally require a hydrant within 90m of an entrance to a building/site. This can not currently be determined from the plans provided.

Further assessment is required to review the flow rates required to achieve tactical priorities.

Site Access

Suitable facilities for safely accessing the site should be provided. Site contingency plans must consider the impact of wind direction on access and egress from the site which may impose operational constraints and an inevitable delay in firefighting. Current guidance states a minimum of 2 access routes.

Following assessment of the plans provided the following areas require further consideration:

- The plans do not appear to show an alternative access route.
- The ability to access all parts of the site should be considered within the design.
- Single access routes to each compound up wind of the battery containers. This could impact firefighting access and choice of operational tactics.
- Dead-end access routes longer than 20m should incorporate turning facilities.
- Access tracks should meet the capacity requirements of attending pumping appliances.

The provision of suitable turning space and appropriately sized footprint for hard standing to enable an effective firefighting response with multiple vehicles is essential. The inclusion of drenchers or fire service inlets to battery modules may be a design consideration.

Access between BESS units and spacing

The NFCC guidance recommends a minimum of 6 metres between battery containers, unless suitable design features can be introduced to reduce that spacing. Any reduction in this separation distance should be considered and designed by a competent fire engineer.

Individual site location and design will mean that distances between BESS units and site boundaries will vary. Proposed distances should consider risk and mitigation factors. Current guidance suggests a minimum distance of 25 metres prior to any mitigation.

Site Design

Sites should be maintained in order that the risk of potential fire spread between units is reduced. This will include ensuring that combustibles are not stored adjacent to units and access is clear and maintained. Areas within 10 metres of BESS units should be cleared of combustible materials and vegetation.

Automatic suppression systems which aim to prevent thermal run-away within cells are a feature of most systems however the effectiveness of these systems is variable. Alternative extinguishing media are not considered appropriate at this time.

- The Integrated Fire Risk Management Strategy should include the full technical detail of all fire protection systems.

Early detection of a potential fire situation is critical and fast response detection system linked to the battery management system is considered an essential component of the design. It is

considered unlikely that fire service resources would be in attendance within the timeframe required to prevent a thermal run-away event once it has begun.

An Information Box should be installed at the FRS access point. This should include emergency contact information, emergency isolation points and details of the specific hazards on site.

- The inclusion of a premises information box and ongoing engagement with the Fire Liaison Framework is noted and welcomed.*

Once thermal run-away has occurred, defensive firefighting tactics would be the preferred option to allow the cell or module involved in fire to burn out and to protect surrounding modules and infrastructure. This would be undertaken on advice and with agreement from the Environment Agency and technical support services.

The potential for contaminated fire water runoff is acknowledged as an area for further consideration, although the type and level of contamination is not easily quantifiable. Our default position is therefore one of containment where possible although this is very difficult to achieve for large volumes of water during a dynamic incident.

Consideration should also be given to engaging with the Environment Agency in relation to protection of water sources or aquifers in the event of fire water runoff and any pollution control measures as may be appropriate.

Airborne smoke and products of combustion would inevitably contain toxic effluents. Liaison with other agencies to support the air monitoring and warning and informing of local residents would form an essential part of the emergency response.

It is our experience that most site designers and operators are keen to engage with fire services to ensure that their operational plans are fit for purpose, and we have already undertaken site visits to the larger installations within our area to assist with operational planning.

We also recognise the concerns of residents in relation to the impact of these sites on the local environment and whilst we cannot provide assurance that we will not experience a fire in one of these sites, we are taking steps to ensure that the impacts are reduced as far as possible.

The following further comment was received:

Thank you for the notification of amended plans submitted. We have reviewed the amended design and note the removal of the battery storage elements from the proposal and have no further comment to make at this stage.

National Gas Transmission – No assets within boundary.

National Grid Electricity – No objection to the proposal from NGET (National Grid Electricity Transmission).

The Gardens Trust – No comment:

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Bowood, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade I.

We have considered the information provided in support of the application and liaised with our colleagues in Wiltshire Gardens Trust. On the basis of this we confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

The following further comment was received:

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which may affect Corsham Court, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.*

We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

If you have any further queries, please contact us, and we would be grateful to be advised of the outcome of the application in due course.

At the time of writing, no representation has been received from Chippenham Town Council, Chippenham Without Parish Council, Langley Burrell Parish Council or Sutton Benger Parish Council.

8. Publicity

The application was advertised initially by way of a site notice and neighbour notification letters. An advert was also placed in the press for the application.

Revisions have been received and re-consultation carried out accordingly.

At the time of preparing this report there have been 56 letters of support and 92 letters of objection (including a number of individuals making multiple representations):

The following is a summary of support comments:

- Positive response to climate emergency
- Positive response to meeting net zero targets
- Positive provision of green energy
- Positive impact on biodiversity from newly planted hedges and trees
- Positive general ecological impact
- Positive economic impact
- Positive impact on the local community
- Positive inclusion of footpaths
- Positive inclusion of allotment land
- Positive inclusion of community orchard
- Appropriate location with good grid connections and capacity
- Appropriate location in proximity to A350 – relating to visual impact
- Unobtrusive design
- Appropriate use of otherwise unproductive, grade 4, agricultural land
- Development will support farming businesses
- Potential for a net reduction in traffic movement over the 40-year term
- Positive consumer ownership opportunity
- Positive provision of areas for walking, horse-riding and cycling
- Positive resulting impact on farming
- No likely impact on food production

- Compliant with aims of the NPPF
- Compliant with the aims of the WCS

The following is a summary of concerns raised:

- Negative impact on highway safety during construction – particularly related to insufficient access, as well as increased traffic movements from construction vehicles and the need for employees to use their own cars to work at the site
- Negative impact on PROW users during construction phase
- Negative impact on amenity of nearby residents during construction phase – particularly related to noise and ground vibrations
- Negative impact on horses and cattle during construction phase
- Negative impact on amenity of nearby residents from solar panels – related to glare and glint
- Negative impacts on neighbouring amenity from proposed allotments
- Negative impact on highway safety after completion – particularly related to glare and glint
- Negative impact on wildlife
- Negative impact on potential local food production
- Negative impact on property value
- Loss of privacy because of the requirement for CCTV
- Loss of green space
- Loss of tranquillity (views)
- Loss of unfenced footpaths
- Promised 'circular' bridleway is not delivered and no information provided as to how footpaths/bridleways will be maintained
- Creation of restricted movement areas within the proposed footpaths
- Harm to the character of the village
- Harm to character of countryside setting
- Harm to conservation area
- Harm to setting of listed buildings
- Lack of information to assess impacts on archaeological features
- 40-year period is excessive for a temporary scheme
- Potential for equipment not to last the 40-years
- Materials to be used are non-recyclable
- Unsightly design
- Inappropriate location and scale - proportionately out of keeping with the small neighbouring villages
- Negative cumulative visual impact of all proposed and permitted solar farms in Wiltshire
- Contrary to aims of draft Kington St Michael neighbourhood development plan
- Contrary to aims of NPPF
- Contrary to aims of WCS
- Insufficient information to support claim on the number of houses the scheme can serve
- Insufficient information to support claims that local jobs will be created
- Insufficient evidence to show that alternative brownfield sites have been considered
- Insufficient information to support consideration and mitigation of potential fire hazards
- Insufficient information to support claim that the site is grade 4 agricultural land
- Insufficient information to identify how and when financial community benefit will be allocated
- Insufficient information to show who will be responsible for the decommissioning of the site and return to farmland after 40-years
- Insufficient information to show that development will not result in water pollution
- Insufficient information to show that piles will not result in land contamination
- Insufficient information to show that alternative, less intrusive installation options (such as concrete blocks, or screw piles) have been considered

The above summary includes the matters raised within representations received from the NFU (support), the British Horse Society Wiltshire (mixed) and the CPRE (objection).

9. Planning Considerations

9.1 Principle of development

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions on applications for planning permission to be made in accordance with the development plan, unless material considerations indicate otherwise. Any conflict identified with development plan policy must be given weight in the planning balance.

Paragraph 165 of the NPPF requires local plans to help increase the use and supply of renewable and low-carbon energy whilst ensuring that adverse impacts are addressed appropriately.

Paragraph 168 of the NPPF expresses that there is no requirement for an applicant to demonstrate the overall need for renewable or low carbon energy and broadly requires LPAs to approve applications for renewable and low carbon development where impacts of the development are (or can be made) acceptable.

In line with national legislation and guidance, Wiltshire Council has made a firm commitment to becoming a carbon neutral council by 2030. The Wiltshire Climate Strategy reiterates this commitment and expresses objectives that include renewable energy generation as part of the efficient and environmentally sensitive use of land, providing for the needs of an increasing population and nature.

Policies CP1 and CP2 of the WCS relate to the spatial strategy for Wiltshire, setting the policy foundations for the promotion of sustainable development within the county. The scheme is for a standalone renewable energy installation and will not directly impact existing housing or employment sites. The scheme will result in some employment provision in the form of construction jobs but does not relate explicitly to employment development.

Policy CP42 of the WCS expresses that proposals for standalone renewable energy schemes will be supported where it has been demonstrated that impacts (both individual and cumulative) specific to following factors (relevant to this scheme) have been satisfactorily considered:

- (i) The landscape, particularly in and around AONBs
- (iv) Biodiversity
- (v) The historic environment [...]
- (vi) Use of the local transport network
- (vii) Residential amenity, including noise, odour, visual amenity and safety
- (viii) Best and most versatile agricultural land

Policy SCC3² of the CNP reiterates the aims of CP42 expressing that proposals for standalone renewable energy development will be supported where all the following factors have been robustly demonstrated:

- (a) the costs and benefits compare favourably with potentially less intrusive options, such as large scale building mounted renewable energy
- (b) a comprehensive landscape impact assessment has been undertaken which has informed the proposals for the location of new infrastructure and all mitigation measures identified in that are implemented
- (c) the wider benefits of providing energy from renewable sources, including contributions to national carbon reduction objectives and targets, outweigh any adverse impacts on the local environment or amenity, including any cumulative adverse impacts from existing or planned renewable energy developments; and

² Only the underground cable connection sits within the Chippenham Neighbourhood Plan area.

- (d) additional social, economic or environmental benefits which benefit the local community over the lifetime of the project are provided.

SCC3 further expresses that any proposal for community energy project, where there is full or partial community ownership involvement, will be strongly supported.

The application has been submitted with supporting information which includes (but is not limited to) the following:

- Heritage assessment, landscape and visual effects assessment, arboricultural impact assessment, environmental statement
- Ecological assessment, Biodiversity management plan, biodiversity metric calculation tool, ecology buffer plan etc.
- Construction traffic management plan including Road Safety Audits amongst other things
- Glint and glare report, flood risk assessment and drainage strategy, noise assessment etc
- Agricultural land classification report

Sufficient information has been provided by the applicant to demonstrate that criteria of CP42 and SCC3 has been reasonably considered prior to making the application.

In principle, the installation of a solar farm is acceptable subject to there being no significant effect and, where any impact is identified, appropriate mitigation measures are provided. Detailed assessment around impacts of the development related to the criteria of CP42 and SCC3 are addressed within the body of this report.

9.2 Best and most versatile agricultural Land

The *overarching NPS for energy* which was published in January 2024 is a material consideration in determining applications under the Town and Country Planning Act 1990 (TCPA) – the NPS is relevant for both NSIPs and small-scale development determined at a local level. Following its publication, in May 2024, a WMS was made by the Secretary of State for Energy Security and Net Zero. The WMS sets out further detail on balancing the competing priorities of energy security and food production including the following point:

“Due weight needs to be given to the proposed use of Best and Most Versatile land when considering whether planning consent should be granted for solar developments. For all applicants the highest quality agricultural land is least appropriate for solar development and as the land grade increases, there is a greater onus on developers to show that the use of higher quality land is necessary.”

The NPS and NPPF defines best and most versatile (BMV) agricultural land a *land in grades 1, 2 and 3a of the Agricultural Land Classification*

Footnote 65 of the NPPF expresses the following:

Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Paragraph 013 (ID: 5-013-20150327) of the PPG includes the following summarised guidance:

- *The LPA should encourage the effective use of land by focusing large scale solar farms on previously development and non-agricultural land.*
- *Solar farms are normally temporary structures and planning conditions 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*

Policy CP42, criteria (viii) of the WCS expresses the need for proposals for standalone renewable energy schemes to satisfactorily consider best and most versatile agricultural land.

The Wiltshire Climate strategy (2022-2027) includes the following objective relevant to the natural environment, food and farming:

Efficient and environmentally sensitive use of land, providing for the needs of an increasing population and nature; food production, renewable energy generation, housing and transport alongside woodland creation and nature recovery.

Whilst Policy SCC3 to the CNP requires standalone renewable energy schemes to, inter alia, demonstrate that the costs and benefits compare favourably with potentially less intrusive options, such as large scale building mounted renewable energy and proposals for ground mounted solar to make most effective use of the land around arrays through demonstrating that agricultural use will continue, and/or by achieving a minimum of 10% BNG, it should be noted that it is only an element of the underground cable connection to the SSE sub-station at Cocklebury Lane which is within the designated area. For this reason, it is concluded that only the underground cable element of the proposals which should be subject to Policy SCC3 and that, by its nature, this element would be compliant.

There have been objections raised which include comments on the loss of productive agricultural land. The following summarised objection points were made by Kington St Michael Parish Council and Kington Langley Parish Council and similar points have been raised by members of the public:

- *There can be no doubt that the cumulative effect of numerous ad-hoc solar farm proposals in the local area will lead to the unique character of the rural surrounds being destroyed, including the loss of agricultural land uses.*
- *The Agricultural Land Classification Map South West Region ALC006 indicates that the land surrounding Kington St Michael is Grade 3. This map was also used in the land classification for the 88-acre Leigh Delamare solar farm application (PL/2021/06100); however, the report from Amet Property (submitted by the applicant) graded nearly 80% of the land as Grade 4. We are concerned with this discrepancy and perhaps an independent assessment is needed?*

There have also been public comments of support received, some of which expressing that there will not likely be an impact on food production. Wiltshire Councils climate change team were consulted and responded supporting the scheme and provided the following summarised comment relevant to BMV:

[...] The WMS does not set new policy but guides on balancing competing priorities. Relevant to this I note that the majority of the land impacted by this proposal is not BMV. Furthermore, planning does not control how agricultural land is farmed. Solar development can allow agricultural use, such as grazing, to continue, whilst energy is generated.

Natural England raised no objections to the scheme and provided the following summarised comment relevant to BMV:

The proposed development would not appear to lead to the permanent loss of over 20 ha best and most versatile agricultural land.

Public objections and concerns raised by the Parish Council regarding differing observations of agricultural land classification (ALC) within strategic scale maps and findings within the provided ALC report are noted and responded to below:

ALC strategic maps show the likelihood of BMV land and identify the site (as indicated on figure 4) as likely to have an ALC of Grade 3; however, Natural England's explanatory note on ALC strategic scale maps is clear that the gradings are predictions and that the map is *intended for strategic planning*

purposes only, is not suitable for use below scale 1:250,000 or for the definitive classification of any local area of site.

That is not to suggest that the map is redundant for purposes of assessment, the ALC map shows how the site has actively avoided areas which are likely to have an ALC Grade 1 or 2 and provides an initial indication to LPAs that the site could be BMV land with a likely ALC grade of 3. That the land is identified as having a likely ALC grading of 3 indicates to the LPA that detailed site-specific surveys are vital to aid further assessment of matters relating to BMV.

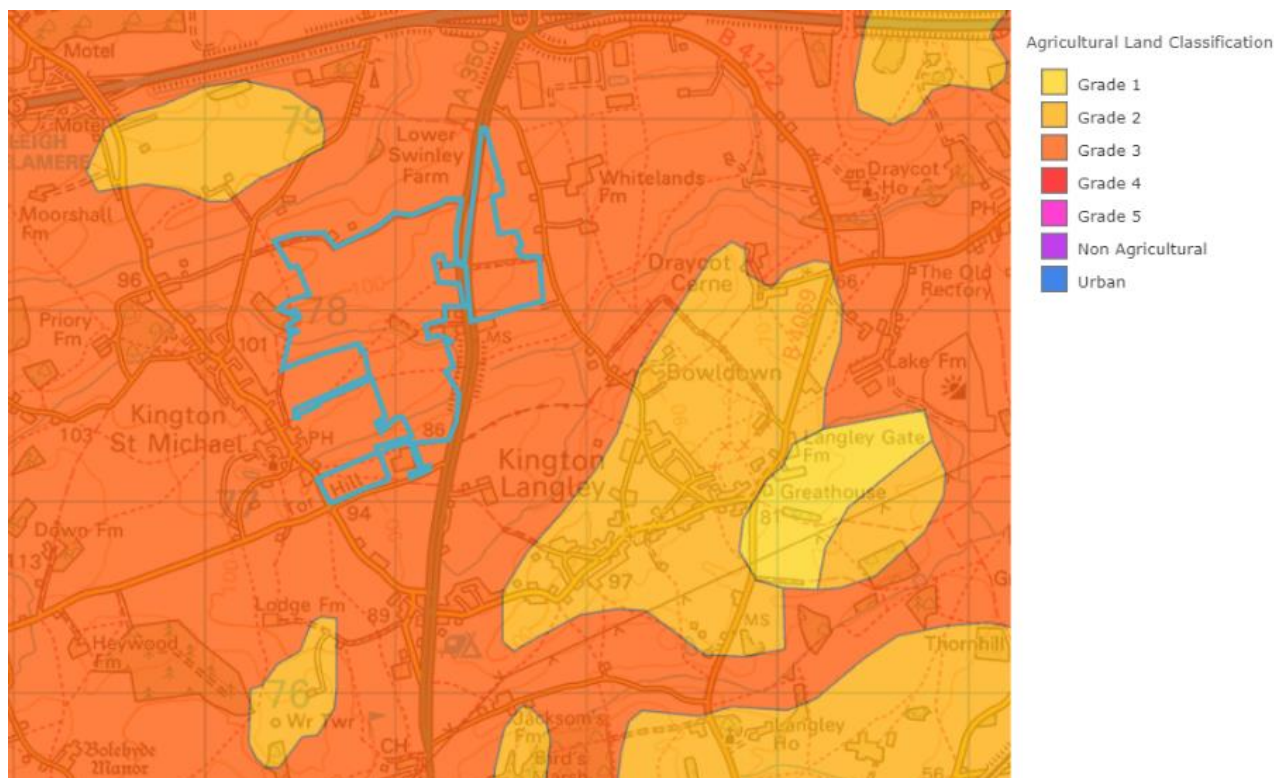


Figure 4: ACL relative to Red Barn Solar (blue outline)

These necessary site-specific surveys have been carried out as part of the application submission and findings have been outlined in an ALC report.

The site has been assessed and report provided by a suitably qualified agricultural consultant who concludes that:

- *The site is variously limited by both wetness and droughtiness.*
- *The breakdown of the surveyed land by classification is:*
 - *Grade 3b: 21.2Ha (19.5%)*
 - *Grade 4: 87.3Ha (80.5%)*
- *The area within the fencing is only 58.9Ha. The breakdown of land grading within the fencing is:*
 - *Grade 3b: 15.4Ha (26.1%)*
 - *Grade 4: 43.5Ha (73.9%)*

Figures 5 and 6 below show provided plans within the ALC report, indicating the points where samples have been taken within the site and the resulting site-specific ALC respectively.

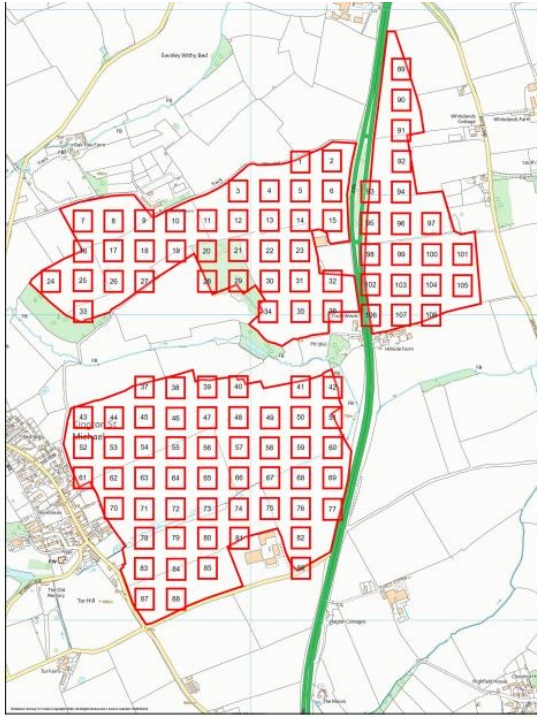


Figure 5: Map of sample points

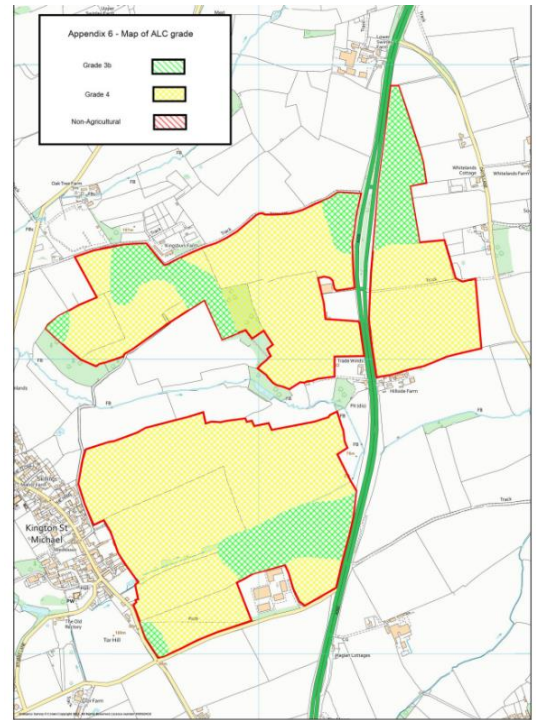


Figure 6: Agricultural Land Classification

In line with planning guidance, previously developed and non-agricultural land should be prioritised over agricultural land for development of ground based solar farms schemes; however, as expressed within the provided planning statement (dated September 2023) *there is limited previously development and non-agricultural land within Wiltshire of a sufficient size that is not in active alternative use to accommodate the solar farm.*

In this particular instance, the agricultural land has been proven as necessary and detail provided indicates how the scheme will be located on land that is not BMV. There will remain sufficient agricultural parcels directly adjacent to the solar site and within the wider areas Kington St Michael and Kington Langley. This includes parcels outside of the site but within the applicant’s control (shown in hatched yellow on figure 7) which are indicated as to be kept available for continued agricultural use.



Figure 7: Proposed layout (as shown on submitted documents)

Furthermore, as expressed within the planning statement, *during the operation of the solar farm, the land will also be used for sheep and cattle grazing [and] chemical pesticides and fertilizers will no longer be applied to the land within the site.* Officers submit that it is possible for some agricultural use of the

land where panels are proposed to continue, and it is likely that the overall soil quality will improve during the life of the solar farm.

Any agricultural impacts resulting from the temporary loss of grade 3b and grade 4 agricultural land is outweighed by the benefits of the scheme. With the inclusion of carefully worded conditions requiring the return of the land to agricultural use, and the removal of the installations when no longer in use, the scheme is broadly in line with the aims of NPPF, policy CP42(vii) of the Wiltshire Core Strategy (as well as policy SCC3 of the Chippenham Neighbourhood Plan, albeit noting that it is only the cable connection element of the application site which is within the plan area).

9.3 Cumulative impact

In addition to providing further guidance around Protecting the Best Agricultural Land, the WMS provided the following summarised comment on addressing cumulative impacts:

“[...] we are increasingly seeing geographical clustering of proposed solar developments in some rural areas. [...] When considering whether planning consent should be granted for solar development it is important to consider not just the impacts of individual proposals, but also whether there are cumulative impacts where several proposals come forward in the same locality.”

At its Full Council meeting on 21/05/24, Wiltshire Council voted to support a motion calling for further guidance over its strategy for delivering solar farms. The motion (no. 2024-03 – Solar Farms) is summarised below:

“[...] this Council is increasingly concerned at the concentration of solar farms, battery storage and associated infrastructure in Wiltshire. Some villages are now completely surrounded by solar farms and their continued concentration represents a significant cumulative impact and industrialisation of the countryside.

Wiltshire Council therefore calls on the Secretary of State for the Department of Levelling Up, Housing and Communities to define more closely what is meant by ‘cumulative impact’ regarding solar farms and to take clear steps to ensure that solar developments are more evenly spread across the UK [...]

This recommendation has come before Committee before the government has provided a specific response on cumulative impacts, but revisions to the NPPF have been made along with Written Ministerial Statements. Indeed, although not touching upon cumulative impacts, it should be noted that the notes accompanying the Autumn Budget (issued 30/10/24) repeatedly references the need to invest in clean energy. In this context, this report provides some analysis and consideration of cumulative impacts of solar farms in Wiltshire.

Policy CP42 of the Wiltshire Core Strategy is explicit that assessment of factors relating to standalone renewable energy installations should include assessment of any cumulative effects.

Criteria (c) of Policy SCC3 of the Chippenham Neighbourhood Plan is similarly explicit that assessment of the wider benefits of providing energy from renewable contributions should include whether there are any cumulative adverse impacts from existing or planned renewable energy development.

The PPG offers the following summarised guidance in relation to assessing consideration of cumulative landscape and visual impacts of renewable energy development:

- *The 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.

- *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. [...]*

Both Kington Langley Parish Council and Kington St Michael Parish Council (within which the array would be positioned) have objected to the scheme, with one reason for Kington St Michael Parish Councils objection being a concern that the village will be surrounded by solar farms on all sides.

The Council's Landscape Officer has provided comments and provided a thorough assessment. Concerns raised relate predominantly to the localised impact of the development, however, and not the cumulative impact explicitly. The following summarised representation comments are of note:

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.

I don't raise any issues with the LVIA's study area which utilises a 2.5km radius from the sites edge [...] The LVIA's assessment of cumulative effects concludes that there will be no significant cumulative effects for landscape character or significant cumulative visual effects with any other existing operational or consented developments.

The principal difference in landscape and visual terms between the proposed location of this application scheme and other nearby consented /operational solar schemes [...] are located away from highly characteristic and valued historic limestone villages and impact on far fewer / less dense network of rural public rights of way.

Although 'locality' as specified within the WMS is not defined, Wiltshire Councils motion indicates that separate development proposals for solar farms within, or surrounding, the same village have collectively impacted that setting. Furthermore, whilst the reports provided as part of this application include assessments that cover a larger area, a radius of 2.5km from the sites edge is considered an appropriate distance for assessment of cumulative landscape impact for development.

Officers therefore take the view that, specific to this scheme and for the purposes of this report, "locality" should be interpreted as "sites in close proximity, or sites within the same neighbourhood" for the purposes of assessing cumulative impact on village setting and "within a radius of 2.5km from the sites edge" when assessing cumulative impact on the countryside setting.

At the time of writing, several further Wiltshire County solar farm planning application sites (as referenced in section 4 of this report) are currently under consideration. By reason of the distance from Red Barn (approximately all greater than c.3km) there is a significant degree of separation between all sites, which coupled with their location being within separate neighbourhoods, means that they are not considered as being within the same locality for the purposes of assessing cumulative impact.

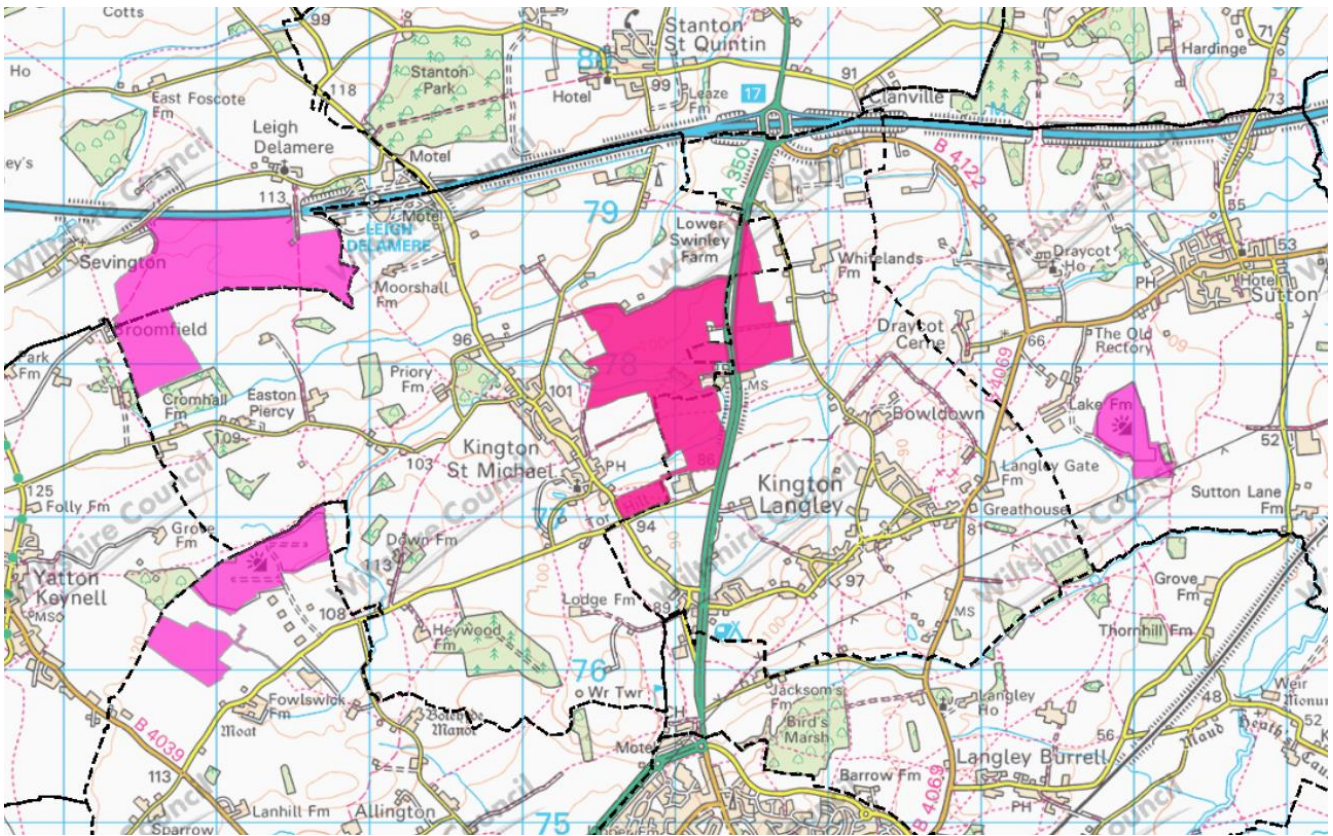


Figure 8: Applications for Solar Parks (pink infill) with parish boundaries (dashed black online) relative to Red Barn Solar (centrally located in image)

Figure 8 shows the spatial relationship between solar farm planning application sites (regardless of their approval/construction status) closest to the Red Barn site. Those being:

- Land to the south of the M4 at Leigh Delamere (PL/2021/06100) approximately 1.5km west – not yet constructed, but permission extant
- Land at Batters Farm (N/13/01311/FUL) approximately 2km west – constructed
- Land East of Batters Farm (PL/2024/09410) – approximately 3km west – application under consideration
- Lake Farm (N/11/00003/FUL) approximately 2km east - constructed

There are no current solar farm sites within the Kington Langley Parish area and only the solar farm at the M4 (reference PL/2021/06100) has a small section of the site within Kington St Michael Parish area. Parts of the application site associated with PL/2021/06100 and N/13/01311/FUL are nonetheless directly adjacent to the Parish boundary.

Whilst the screening opinion given under 17/12295/SCR was for a smaller area, LPA observations made as part of the assessment provides some relevant contextual background. The following comment around cumulative impact was made within the officer’s report associated with that screening opinion:

[...] it is noted that several other medium to large-scale solar facilities are already operational within c.6KM of the site [...] Independently, these facilities have been considered to sit sufficiently comfortable within their immediate landscape and therefore their effects not experienced at any significant wider level.

As outlined within supporting documents provided as part of this application, the following application for major development (1,000,000 sq. ft of B8 employment space and associated infrastructure) affects the Kington Langley Parish area and is within 2.5km of the Red Barn site boundary:

- Land south-east of Junction 17 of M4 Motorway (17/03417/OUT) less than 200m north

Assessment of cumulative impact has been made following review of information provided as part of the application submission (including photographs with indicative views and annotations of viewpoints within chapter 5 of the provided Environmental Statement), consultation representation and independent observations.

Figure 9 shows the relationship between solar farm sites and PRoWs in the locality and the employment site is similarly identifiable on that figure. There are PRoWs and highways that provide a continuous route between all sites, and it is plausible that all three solar sites could be encountered as part of one trip when travelling around/to/from the parishes of Kington St Michael and Kington Langley.

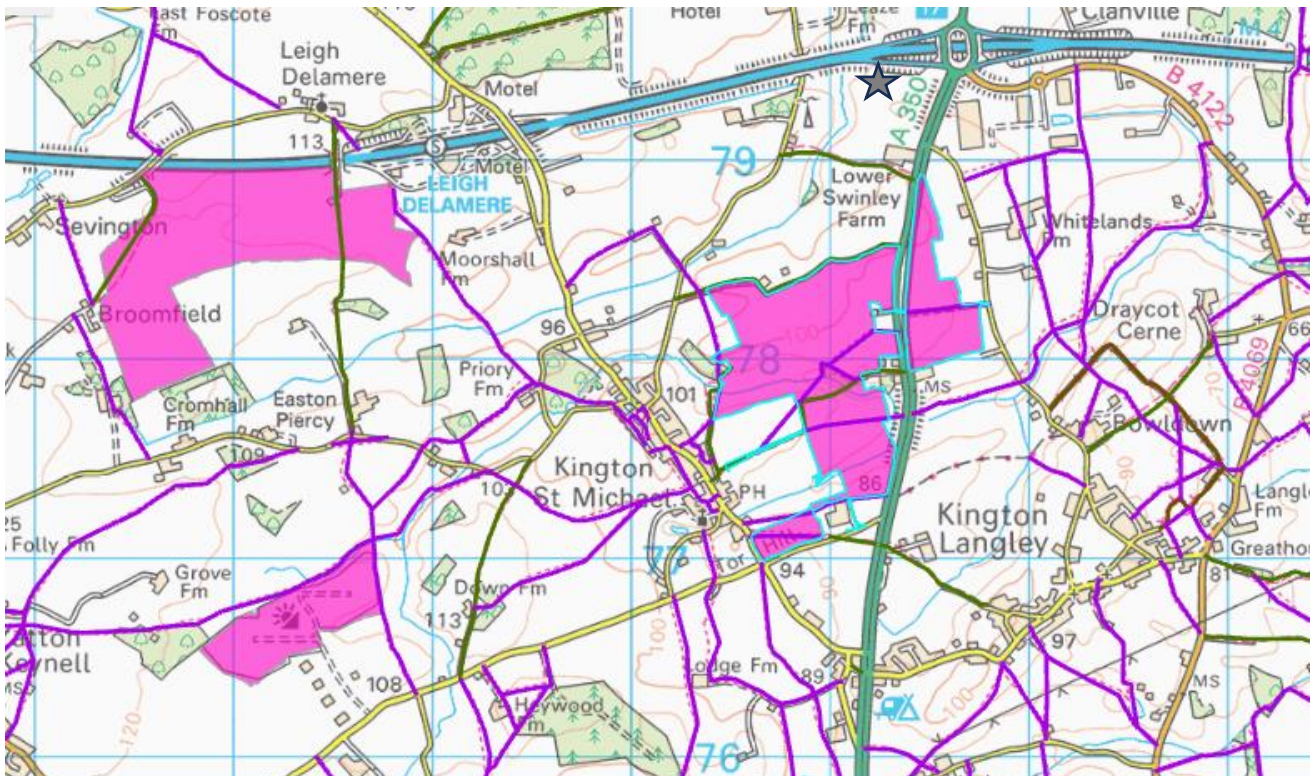


Figure 9: Roads (yellow, green and blue lines) and public rights of way (purple lines) in proximity to Red Barn Solar (pink infill, blue outline), other solar sites (pink infill) and major employment site (grey star)

Given its proximity, the employment site could be visible from parts of the Red Barn site (and vice versa); that the former will be viewed in context with the motorway is relevant, however, as the existing character of this part of the Kington Langley Parish area is already different from the rural character closer to the village settings.

By virtue of the number of agricultural parcels within the parish, the predominant character, as seen when walking (or driving) around the villages will remain as agricultural and clear visibility of all solar sites from one location (other than when viewed aerially) is unlikely. Renewable energy development will be identifiable within the setting but will not becoming a defining characteristic of the landscape.

It is concluded that, as is the case with Battens Farm, built-out solar farm schemes within this part of the County have been successfully integrated into the existing rural setting. Officers further submit that the predominant visual character for most of the surrounding setting will remain as rural agricultural land that there is a sufficient degree of separation between each solar site and so solar will not likely become the significant or defining characteristic of the wider setting.

It is recognised that when viewed in plan form the scale and position of the application sites may, at first view, appear to surround the village of Kington St Michael; however, by virtue of the roads,

remaining agricultural parcels and natural boundary treatments, there exists an appropriate visual buffer and a significant degree of separation between the Red Barn site and the sites associated with previously granted solar farms.

Given the degree of separation, it is concluded that there would not be an unacceptably detrimental, cumulative impact to the village or Parish settings should the scheme be permitted; however, it is recognised that the ratio of solar sites to other agricultural parcels within the Parish of Kington St Michael would be altered as a result of this scheme and it is considered likely that the Red Barn scheme represents the greatest extent of solar development that would be acceptable in the locality. It is considered likely that, should this scheme be permitted, any further solar farm schemes which directly affect the Kington St Michael Parish area, would represent a significant intensification of solar farm type development in the locality which may result in those proposals being resisted.

Whilst not objecting to the revised proposals, in their final comments, the Council's Landscape Officer does note that the character of 'Malmesbury to Corsham Limestone Lowlands' (Landscape Character Area: 16A – as identified within the 'Wiltshire Landscape Character Assessment') continues to incrementally change due to the proliferation of large scale solar and BESS developments that are already operational, approved, and currently in planning. For example, since the application was submitted, a further large scale solar development is now additionally being proposed on greenfield agricultural land adjoining the LVIA study area to the west of this site (under application reference PL/2024/09410 - North Allington Solar Farm) alongside the potential development of Lime Down Solar Park (NSIP) north of the M4, both of which are included within this same landscape character area

Nevertheless, it is evident that the proposal under consideration is somewhat discreet due to the nature of the surrounding roads, remaining agricultural parcels and natural boundary treatments, with an appropriate visual buffer and a significant degree of separation from those solar farms and associated renewable energy developments identified in the North of Wiltshire. Following careful consideration of concerns raised and careful assessment of all detail and guidance available, it is concluded that the landscape or visual impacts will be localised. As such, the following assessments are made to address whether the Red Barn scheme, alone, will result in any significant adverse impacts.

9.4 Archaeology and heritage

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on decision makers, when considering whether to grant development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act places a general duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of CAs when exercising their powers under any of the other Planning Acts and Part 1 of the Historic Buildings and Ancient Monuments Act 1953.

Chapter 16 of the NPPF expresses requirements relating specifically to conserving and enhancing the historic environment, with paragraphs 212 – 221 focussing on how LPAs should consider potential impacts.

Turning to local plan policy, criteria (v) of Policy CP42 of the WCS requires standalone renewable energy installations to take into account the historic environment. Policy CP57 of the WCS requires high quality design and place shaping for all new development with criteria (iv) placing a specific requirement on development being sympathetic to and conserving historic building and historic landscapes. Policy CP58 of the WCS further requires development to protect, conserve and (where possible) enhance the historic environment.

At the time of writing there is no specific CA statement for Kington St Michael CA or Kington Langley CA; however, the WDG references Historic England suite of design guidance. Historic England's Advice note 2 provides guidance on making changes to the Heritage Asset, paragraphs 41 advises the following:

[...] It would not normally be good practice for the new work to dominate the original asset or its setting in either scale, material or as a result of its siting. [...]

Historic England's Advice note 15 relates to Commercial Renewable Energy Development and the Historic Environment, paragraph 53 advises the following:

When informed by relevant assessments, the design of a scheme can help to mitigate the visual impact of a proposal, for example through the use of landscape bunds or tree planting. This is likely to be particularly important in areas known and valued for their historic character, such as conservation areas, registered parks and gardens or registered battlefields. However, such measures need very careful consideration as they are not appropriate in all situations. Bunds, for instance, can themselves be intrusive features in the setting of a heritage asset. Any proposed landscape mitigation needs to be appropriately visualised and presented in the visual impact assessment. [...]

Historic England's Advice note 17 relates to Planning and Archaeology, paragraph 43 advises the following summarised point:

In dealing with applications for planning permission, there are a range of activities relating to archaeology which are usually carried out by planning officers:

- (a) Agree and implement a consultation procedure with their archaeological advisers.*
- (b) Validate the application ensuring that it meets local requirements.*
- (c) Consult Historic England (when required).*
- (d) Ensure sufficient information is available to make an informed planning decision [...]*
- (e) Take advice from archaeological advisers before discharging conditions.*
- (f) Take action if conditions are not being complied with.*

Conservation Areas and Listed Buildings

In support of the application, a Heritage Desk-Based Assessment has been submitted (Cotswold Archaeology, dated April 2024). Within it, a number of heritage assets have been identified as being potentially susceptible to impact as a result of their setting being affected by the development. In their initial comments, the Council's Conservation Officer confirms their agreement that the assets being identified within the desk-based assessment is accurate.

Most of the site is more than 1km from the Kington Langley CA and as such there exists a significant degree of separation to such an extent that development is not likely to affect that CA setting. Parts of the site are however directly adjacent to the Kington St Michael CA and as such careful consideration around how the development proposed will impact this protected environment must be made. Figure 10 shows the wider relationship between the site and these CA's.

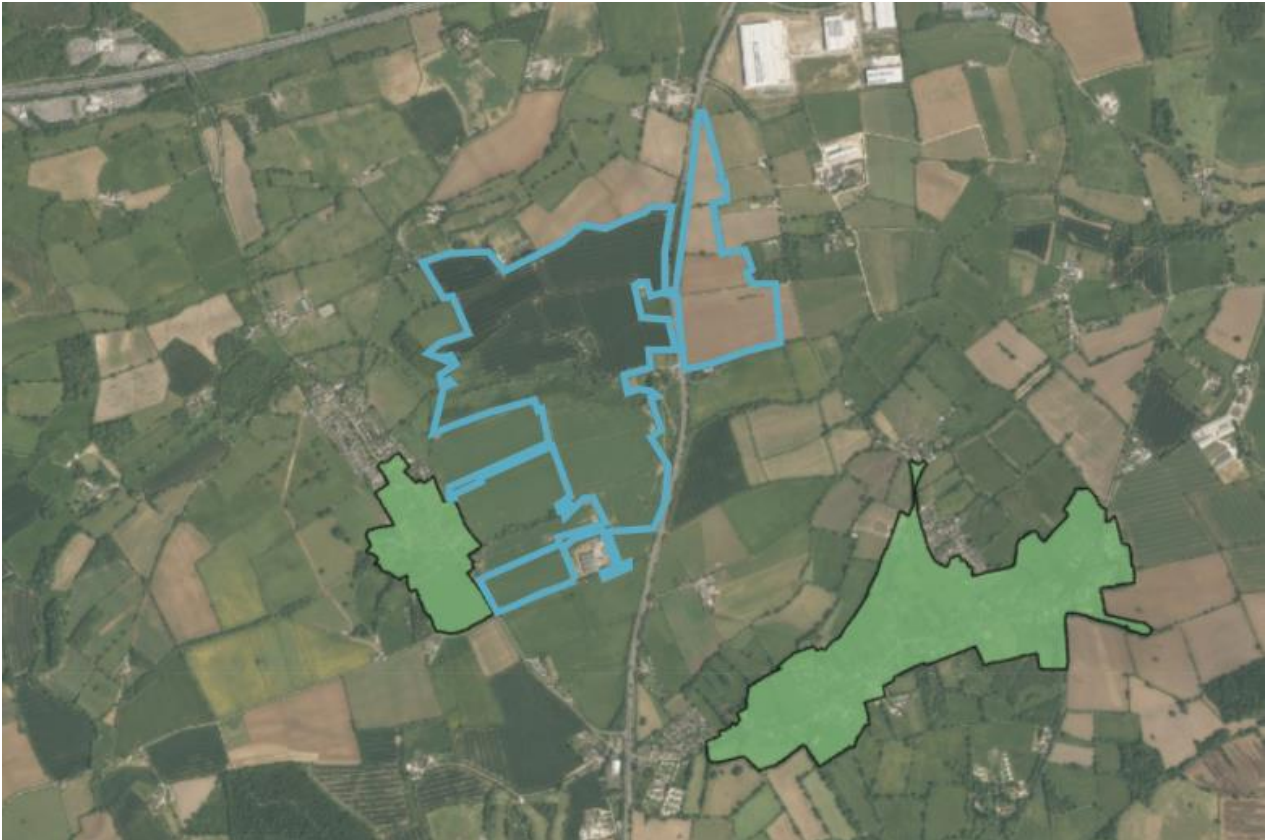


Figure 10: Conservation Areas (green infill) in proximity to Red Barn site (blue outline)

The listed buildings located within Kington St Michael which are within 100m of parts of the western edges of the of the site boundary are all Grade II listed. Of a higher listing, Grade II* listed Church of St Michael is c.300m from the nearest of the panels and separated by other built form and roads. The location of those listed buildings in relation to the application site is set out in figure 11 below (extract from the submitted desk-based assessment and subsequently submitted drawing showing distance of nearest panels to the Grade II* Kington St Michael Church).

The original list entry for the Grade II* church has been extracted below:

Parish Church, C12 and C13 with west tower of 1725 and north aisle of 1755, restored 1857-8 by J.H. Hakewill. Rubble stone with stone slate roofs and coped gables. West tower, gabled nave and aisles, south porch, chancel and vestry. 1725 tower is ashlar, 3-stage with stopped, curved-fronted diagonal buttresses up to bell-stage, 2-light Y-tracery bell-openings, infilled in pierced ashlar, pierced parapet and pinnacles to angles and centre each side. C18 lead hopper-head on south side. South side has ground floor depressed-arch door with hoodmould and cusped 2-light over. Nave east gable has small sanctus bellcote. South aisle has corbel table and ashlar corners, apparently C12 but late C13 fenestration, C19 three-light west window, original 2-light south windows with cinquefoil over, one each side of porch, and 3-light east window. with large cinquefoiled circle head, probably C19. Large stone- slated porch is ashlar-fronted with thin neo-Norman arch, mid C19, plastered within with c1700 plaque, stone seats and jambs of C12 door, two tall shafts with carved caps. Door and door head are C15 or C16. Chancel has corner flat buttressings, south side cusped lancet and C15 two-light flat-headed window, east end large 3-light C19 window and north cusped lancet. C19 vestry in angle to north aisle. North aisle has large 3-light windows, long lights, pointed centre, arched each side under Tudor-arched head with hoodmould, more C17 than 1755 in appearance. One window each end, 2 to north side and blocked Tudor-arched centre door. Interior: Nave has 3-bay arcades of pointed arches, circular columns with spurred circular bases and moulded circular caps to north, circular columns with octagonal caps to south. C19 roof. Bead-moulded pointed C18 tower arch. South aisle has C19 roof, cusped piscina and circular font. North aisle has king-post and angle

strut roof. Chancel arch is much-restored Norman, very wide with zig-zag meeting at angle in lozenge pattern. Nook-shafts. Chancel has c 1874 wind-braced roof, cusped rear arches to north openings, one south with dog-tooth ornament. Cusped piscina. C19 arcaded reredos. Stained glass: east window 1875 by Cox and Sons, one south lancet of 1857 by Gibbs, south aisle east window brightly coloured glass of 1857 to the antiquarians John Aubrey and John Britton, one south window of 1891 and west window of 1894. Monuments: in north aisle, north east angle fine marble plaque to F. White died 1707, on north wall marble plaque to I. Gale died 1795 by Tyley of Bath, plaques to J. Gastrell died 1678, N. Gastrell died 1662, and to J. Gilpin died 1766. On west wall, plaques to William Coleman of Kington Langley died 1738, R. Glenn died 1775 and Israel Lyte of Easton Piers died 1661. In south aisle, plaque to J. Hitchcock died 1820, signed S. King of Castle Combe and Baroque plaque to D. Yealfe, died 1779. (W. Lewis *The Church Rambler* 1878 2 501-16; *Wilts. Arch. Mag.* 4 1857 36-134; N. Pevsner, *Wiltshire* 1975 281; W. Plomer ed *Kilvert's Diaries* 1969 3 89, 150)

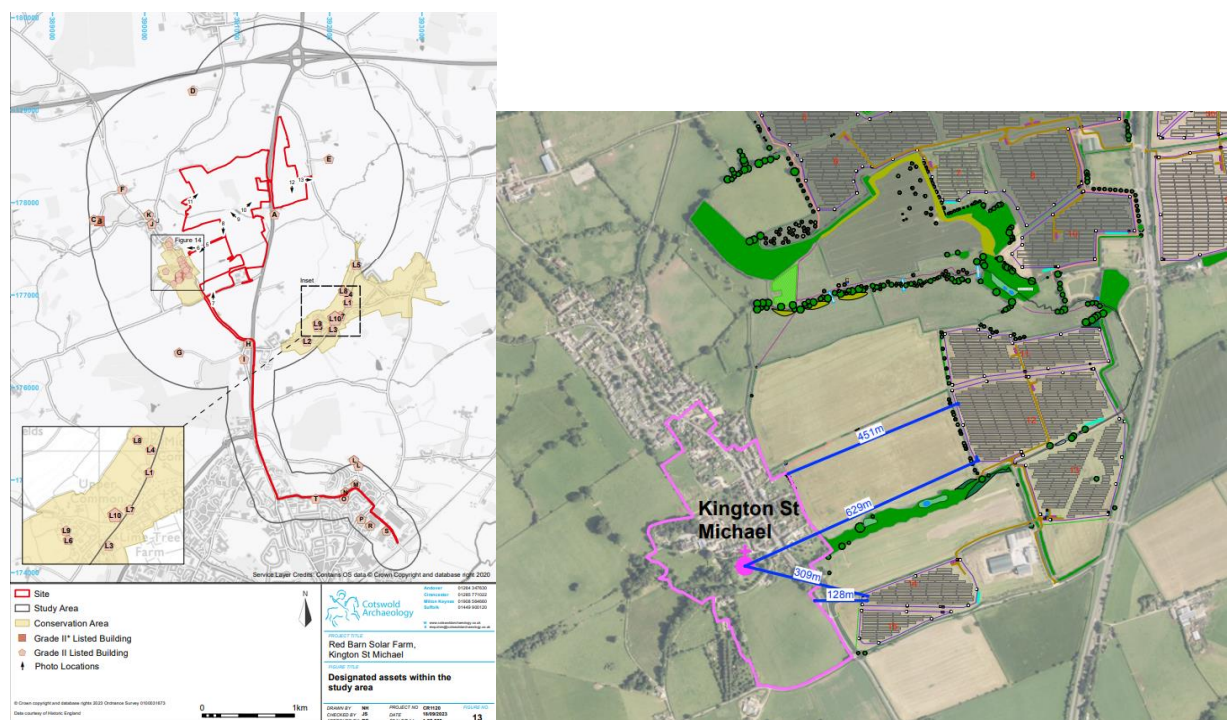


Figure 11: Listed buildings in relation to the Red Barn site

The majority of the solar parcels would be located in the north-eastern part of the site; however, there is a parcel to the south-west of the site which will be more closely related to Kington St Michael village, and consequently the CA setting and setting of listed buildings.

In their initial comment, the Councils Conservation Officer objected to the scheme, suggesting that the development would result in harm to the setting of Kington St Michael Conservation Area and St Michael's Church, involving the loss of an important rural, tranquil landscape that serves as a buffer to the dual carriageway and the village. However, following the submission of additional and revised information to address those concerns (notably the removal of the BESS element, the provision of additional screening adjacent to the field entrance to the south-western part of the site and cross sections through pathways which better illustrate the avoidance of an unacceptable "tunnelling" effect which would have potentially impacted on the views across the landscape toward the St Michaels Church tower), the Conservation Officer confirms that the impact of the development is less than was originally anticipated.

In their final comments, the Conservation Officer does not provide any guidance as to the level of harm they believe would be caused to the setting of heritage assets, but it is apparent that their initial guidance has been taken into consideration by the applicant and has resulted in positive changes compared to the initial submission. Extrapolating from their initial view of less than substantial harm being caused, it

is therefore reasonably inferred that the harm to the setting of heritage assets would continue to be less than substantial and be at the lower end of the scale.

Historic England were consulted, raising concerns that the scheme would result in less than substantial harm to the setting of the Grade II* listed church, suggesting that although the intervisibility between the site and the church is limited, the upper part of the Church Tower is still discernible from areas of the site, which is traversed by public rights of way and a bridleway. They go on to suggest the experience of approaching and contemplating the Church from the open, rural landscape which is its immediate context will therefore be impacted negatively. In a later comment, Historic England go on to confirm that they also consider the harm caused to the setting of the listed church to be less than substantial at the lower end of the scale.

Figure 12 gives an indication of the extent of built form that made up the village of Kington St Michel in the late C19, and clearly shows that the church has, for a substantial period, been a gateway feature to the village when accessed from the south. Maintaining the view of the church as a predominant feature when accessing the village, and subsequently the CA, from the south is of importance to the historic setting.



Figure 12: OS mapping 1885-1900

The retention of agricultural parcels (shown in hatched yellow on figure 7) directly to the east of the village and CA setting is entirely necessary for the scheme to be acceptable in visual terms. That they will remain in agricultural use appropriately reduces the likelihood that the solar farm will be a harmful distraction from the Grade II* listed church when entering the CA from the south.

Clearly, therefore, there is common ground amongst the conservation specialists that the setting and existing character of historic assets are enhanced by, and somewhat interconnected with, the rural character of expanses of undeveloped agricultural land, which includes the agricultural land associated with the application site itself.

In very large extent, this is a point also raised within local representations and, although noting that the applicant's own assessment has concluded that there would be no harm to the setting of the Kington St Michael Conservation Area and Grade II* St Michaels Church, in this case it is agreed that the expanse of PV panels and associated infrastructure will have some impact upon the setting of both the Kington St Michael Conservation Area and the Grade II* St Michaels Church. As referenced above, and following amendments to the scheme, the Council's Conservation Officer regards this resulting in harm to the heritage assets being at the lower end of the less than substantial.

Whilst it is considered that removal of the proposed solar parcels 14 and 15 (shown in the south-west corner on figure 7 and figure 15) from the scheme could further lessen potential harm to the historic settings, it is not considered reasonably necessary on this occasion as the retained agricultural parcels will allow for a degree of separation between the Grade II* listed church and parcels 14 and 15. The new native hedge proposed within field 15, east of the existing field gate (east of the highway) (together with the proposed new hedge to the west of the solar panels in fields 14 and 15), as shown in Figure 15, will to a small degree, encourage visual focus to the west of the highway, where existing access to 'Rowan Cottage' allows for a clear view of the church when entering the village and CA setting from the south.



Figure 13: Closer view of proposed parcels 14 and 15 and proposed planting (as shown on submitted documents)

Figure 13 shows part of the planting plan (revision 'S' submitted as 'appendix 6') which has been provided as part of the scheme submission. The position of the panels in parcels 14 and 15, with an undeveloped triangle of land proposed directly adjacent to the CA, provides a small but necessary visual buffer between the CA and solar farm which will provide a degree of disconnection between the farm and the CA setting, reducing the likelihood that the solar farm would dominate the setting of the CA and listed buildings.

In addition to the planting plans, there has been submission of tree protection plans which show further planning for conservation of features that contribute to the natural rural landscape. Further assessment of planting as part of the design of the scheme will be made at a later point in this report.

Ultimately, and as somewhat acknowledged within the Conservation Officer's commentary, by reason of the revisions to the proposals and the intervening distance and current built form (including roads), the degree of separation between those heritage assets identified above and the site does mitigate the degree of that harm, with the approach to the heritage assets from the south being largely unchanged from at present. For this reason, the level of harm is concluded to be less than substantial at the lower end of the scale.

Archaeology

There are no scheduled ancient monuments within the site or directly adjacent to the setting; however, information held on the Historic Environment Record confirms there are multiple remains within the wider setting, one of which (Saxon Mount) is within the site boundary.

Concerns have been raised within some representations that insufficient information has been submitted to allow a full consideration of archaeological remains on the site and locality. However, the

submission has been submitted complete with an archaeological desk-based assessment, along evaluation fieldwork (comprising the excavation of 158 trial trenches and geophysical survey). Adjustments were made to the layout of the proposal to avoid features, and the submission confirms that, subject to mitigation, no harm would be caused to any identified features. In this case, there is considered to be sufficient information to assess the proposals impact on archaeological features.

Upon completion of the fieldwork element, the Council's Archaeologist subsequently confirmed their agreement with the submitted evaluation, subject to the imposition of conditions which require the submission of an archaeological management plan as well as a further programme of strip, map and recording of archaeological excavation in three areas.

Conclusions

Historic England and the Council's Conservation Officers concerns have been noted by the applicant, and, following amendments being made to the proposals, the development is considered to result in a less than substantial harm to the identified heritage assets at the lower end of the spectrum.

As is required by paragraph 215 to the NPPF, the identified harm to heritage assets must be weighed against the public benefits of the proposal. In this case, and as is advocated by national policy and guidance and well established by appeal decisions, significant weight should be given to nature of the proposal as a renewable energy generation development. As is noted within the applicants own "Further Response" statement (dated October 2024), the development will generate up to 40MW of renewable energy which will contribute to the national target to generate 32% of overall energy generation from renewable energy, assisting with the government objective to move to a low carbon economy. Such public benefits are substantial and do outweigh the less than substantial harm to the identified heritage assets.

On this occasion, the public benefits of the scheme outweigh the less than substantial harm caused to the setting of the heritage assets (Grade II* St Michaels Church and Kington St Michael Conservation Area) and as such, the scheme complies with the aims of section 16 to the NPPF. Given the weight that must be ascribed to the meaning and compliance with paragraph 215 of the NPPF, it is also concluded that the conflict identified with policy CP58 to the Wiltshire Core Strategy (which affords no ability to weigh public benefits) is outweighed.

9.5 Landscape and visual impact, design and appearance

Context

The application site does not fall within any formal landscape designation and it is unlikely that there would be potential for the proposed development to impact upon the visual setting of the Cotswolds National Landscape designation (some 3.5km to the east – see figure 16 below), due to the low height of proposed development (generally limited to 3m above existing ground levels) and the intervening built form of Kington St Michael, in combination with the intervening rolling topography and existing areas of woodland. Nevertheless, by reason of the type of development and the scale of development proposed, the application has been made with the understanding that the scheme has the potential for significant environmental effects. The application has therefore included an environmental statement as part of its submission, including chapter 5 on landscape and visual effects.



Figure 14: Proximity of the Red Barn site (blue outline) in relation to national landscapes (green infill)

In terms of the impact on the wider landscape character, the site is included within the Avon Vale National Character Area (117). Natural England identifies key attributes and opportunities for the Avon Vale character area.

Key landscape attributes which can be seen as relevant to the site include:

- *Settlement pattern closely related to rivers and transport corridors*
- *Largely a tranquil agricultural landscape away from the settlements, under pressure to accommodate further development*

Summarised landscape opportunities which can be seen as relevant to this scheme include:

- *To manage, restore and replant hedgerow and hedgerow trees*
- *To manage arable cropping to encourage rare arable plants and farmland birds, maintaining profitable agriculture while restoring or adding interest to the farmed landscape*
- *To protect the many small well-established villages, particularly their historic cores [...] and narrow winding lanes that connect them aiming to retain their sense of isolation while ensuring viable and vibrant local communities*
- *To seek to maintain the connections between settlements and their agricultural and historical origins*

The site is further included within both the North Wiltshire Landscape Character Assessment (2004) and the Wiltshire Landscape Character Assessment (2005) as having the umbrella 'Limestone Lowland' Character Type; being within Character Area 08 (Hullavington Rolling Lowland) and Character Area 16A (Malmesbury to Corsham Limestone Lowland) respectively.

The site has many of the observed positive landscape features/main characteristics including:

- *Peaceful rural landscape*
- *Continuous hedges*
- *Distinctive traditional limestone villages*

Both assessments are clear that the overall objective should be to conserve and enhance the pastoral character and distinctive character of the villages, and that the hedgerows and mature trees should be conserved.

Policy

Criteria (i) of Policy CP42 of the WCS requires standalone renewable energy installations to take into account the landscape, particularly in and around AONBs

Policy CP51 of the WCS expresses that proposals should be informed by and sympathetic to the distinctive character areas and further expresses that development must not have a harmful impact upon landscape character. If there are negative impacts, they must be mitigated as far as possible through sensitive design and landscape measures. CP51 requires development proposals to demonstrate that identified aspects of landscape character have been protected, conserved and where possible enhanced, which includes the following summarised aspects which are relevant for assessment of the scheme:

- (i) The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies
- (ii) The locally distinctive character of settlements and their landscape settings
- (iii) The separate identity of settlements
- (v) Landscape features of cultural, historic or heritage value
- (vii) Tranquillity and the need to protect against intrusion from light pollution, noise and motion
- (viii) Landscape functions

Policy CP57 of the WCS requires high quality design and place shaping for all new development and includes the expectation that proposals should make a positive contribution to the character of Wiltshire. Proposals should demonstrate how the development meets the expectations of criteria of CP57 which includes the following summarised points which are relevant for assessment of the scheme on landscape matters:

- (i) Enhancing local distinctiveness by responding to the value of the natural and historic environment, relating positively to its landscape setting and the existing pattern of development and responding to local topography by ensuring that important views into, within and out of the site are to be retained and enhanced.
- (ii) The retention and enhancement of important landscaping and natural features.
- (vi) making efficient use of land whilst taking account of the characteristics of the site and the local context
- (xii) The use of high standards of building materials, finishes and landscaping

Saved policy NE12 of the NWLP supports the creation, conservation, enhancement and positive management of woodlands across the district. Saved policy NE14 of the NWLP is explicit that permission will not be granted for proposals that would result or be likely to result in the loss of trees, hedges, lakes/ponds or other important landscape or ecological features that could be successfully and appropriately incorporated into the design of a development.

Wiltshire's Climate Strategy further refers to the Councils GBI which sets out a long-term vision, strategic goals and principles for delivering green and blue infrastructure across Wiltshire.

Policy GI5 of the Chippenham Neighbourhood Plan³ relates to trees, woodlands and hedgerows, broadly expressing that development should seek to protect existing trees/woodland/hedgerows and proposals should include new planting, appropriate to their scale. Criteria (b) attached to Policy SCC3 of the CNP requires proposals for renewable energy to be informed by a comprehensive landscape impact assessment and for all mitigation measures identified within an impact assessment to be implemented.

Representations and consultations responses

³ Only the underground cable connection sits within the Chippenham Neighbourhood Plan area.

Objections to the proposals impact on the landscape have been raised by most of the consulted Parish Councils as well as within many of the representations – this includes the individual impact of the proposals, but also in respect of the cumulative impacts on the landscape from the high number of recent proposals and permissions for similar development. However, public comments of support have also been raised which include observations that the scheme includes positive provisions of community orchard, planting and footpaths etc.

The Council's Arboriculturist raised no objection subject to a condition requiring works within the root protection area (RPA) to be carried out by hand with arboricultural supervision, and a further condition requiring works to be carried out in accordance with the arboricultural impact assessment (AIA). Both conditions are considered reasonably necessary.

The Council's PRow Officer has raised no objection to the scheme, recommending that the signage and PRow furniture (stiles etc.) be upgraded to the least restrictive options. Comments specific to public benefit include a request for dedication of 2 bridleways and upgrade of one PRow (KSTM37) to bridleway or a requirement for financial contribution to be made under a section 106 agreement.

Turning to the comments of the Council's Landscape Officer, it is evident that revisions made during the life of the application have somewhat ameliorated their initial objections. Indeed, their initial objections and conflict with policy CP51 to the Wiltshire Core Strategy could be summarised as follows:

- The sloping nature of the site as well as the proximity of the site and the role this land serves to provide a landscape setting to the distinctive traditional limestone village of Kington St Michael
- The numerous Public Rights of Way within and overlooking the site, which provide access to local countryside and visual amenity for local people
- The sensitivity of the landscape and visual changes arising from the introduction of the proposed development rendering a greater impact upon landscape and visual receptors than other local solar PV developments within the local area, such as those already approved at Leigh Delamere, Battens Farm, and within Castle Coombe Race Circuit.

In response, the applicant updated the application to include the following clarifications and revisions:

- Clarification that all fencing used will be of a stock proof type fencing, commonly used in the countryside, rather than steel palisade security fencing
- Removal of the Battery Energy Storage System (BESS) element
- Removal of solar panels from the fields nearest to the edge of Kington St Michael Village since the pre-application stage and creation of additional native hedgerow mix

In their final commentary, the Council's Landscape Officer reflects on the changes and concludes that, in combination with the proposed community access land and orchard, there will be a separation of panels from the village edge, and will assist in better safeguarding a better perceptual countryside experience and amenity for users of footpath KSTM4 and bridleway KSTM3.

Nevertheless, the Council's Landscape Officer continues to identify that those views which will be possible from further afield (i.e. locations with roadside gaps in vegetation along the A350) where the development will still register as a notable change in land cover and will impact the appreciable setting of the village in the foreground of wider views where these are available, which will likely manifest for 10+ years & potentially for the duration of the development.

Ultimately, whilst still not being able to support the proposals, the Landscape Officer removes their previous in-principle objections to the scheme, since in their view the landscape impacts will be localised in nature and limited to the eastern setting of Kington St Michael village and views from across the valley from the elevated western edge of Kington Langley. They also reconfirm their initial assessment that the landscape is not a "valued landscape" for the purposes of paragraph 187 to the NPPF. They refer to the need to weigh up the identified harm alongside the benefits of the community use land,

landscape enhancements proposed and biodiversity net gain, as well as improvements to the public rights of way.

Rights of way

In terms of the impact of the development on the visual amenity of users of the PRow, as previously shown on figure 9, there are multiple existing footpaths and bridleways in proximity to, and directly affecting the site. This includes KSTM1, KSTM2, KSTM4, KSTM37, KSTM38, KLAN32, KLAN33, KLAN38 and KLAN39.

Figure 15 below has been extracted from the applicants “response document” (dated April 2024), where in appendix 8 the location of proposed new permissive paths alongside existing PRowS and indicates where there will be proposed boundary treatments adjacent to these PRowS indicating what those boundary treatments will be.

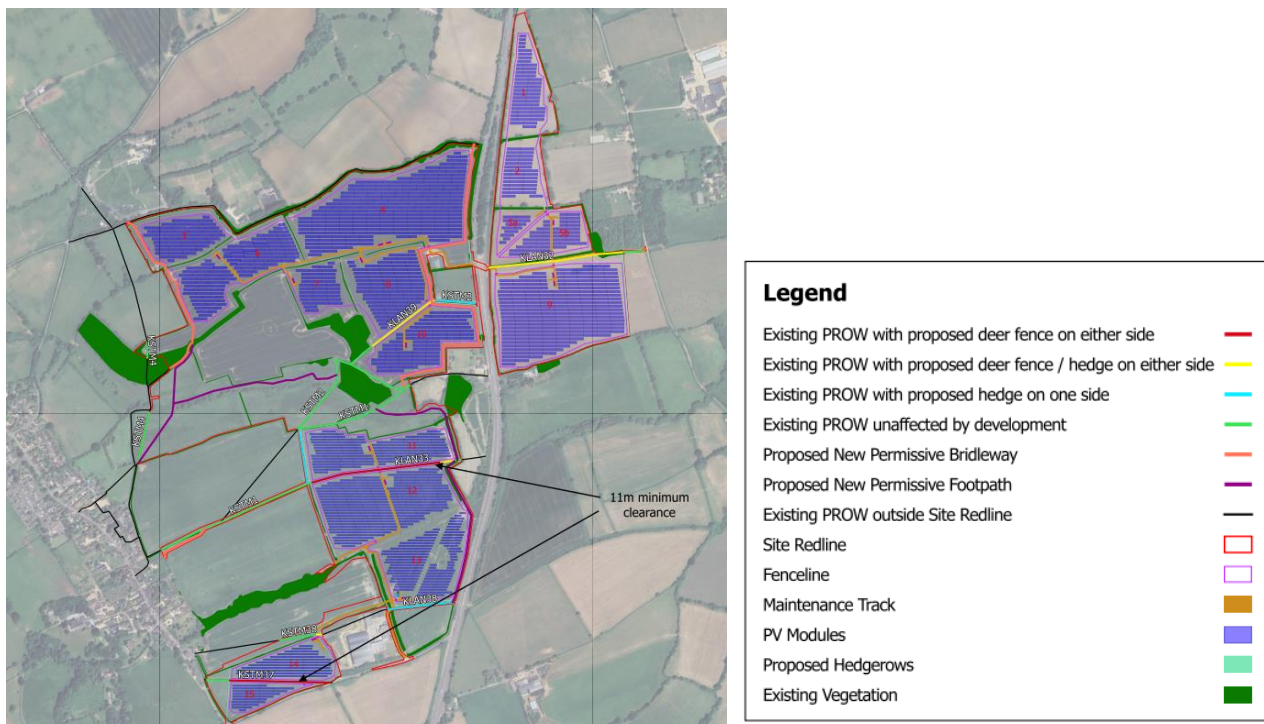


Figure 15: PRowS in relation to the Red Barn site and proposed boundary treatments (as shown on submitted documents)

The response document also provides the following summary of public routes within the site redline:

- PRow unaffected by development: 1,752m
- PRow with proposed deer fence on either side: 632m
- PRow with proposed deer fence and high hedge on either side: 625m
- PRow with proposed hedge on one side: 448m
- Proposed new permissive bridleway: 1,704m
- Proposed new permissive footpath: 1,597m

Review of the response document shows that there will be a significant combined distance of PRowS affected by the development and it is considered likely that the PRow areas which will result in the highest change in visual amenity because of the development are those which require deer fencing on either side (as shown in figure 16 below). The response document indicates that there will be a clearance between deer fencing of at least 11m where the deer fencing is on both side of a PRow, with panel-to-panel distances of some c.25-40m. This level of clearance is both appropriate and necessary to ensure an open feel and avoid any perception of overbearing development when using the PRow. What is also indicated in the response document is that the existing PRowS and public highway, along

with the proposed new permissive paths, will allow for an alternative (if less direct) paths for pedestrians to utilise should they wish to avoid PRoW corridors between solar parcels.

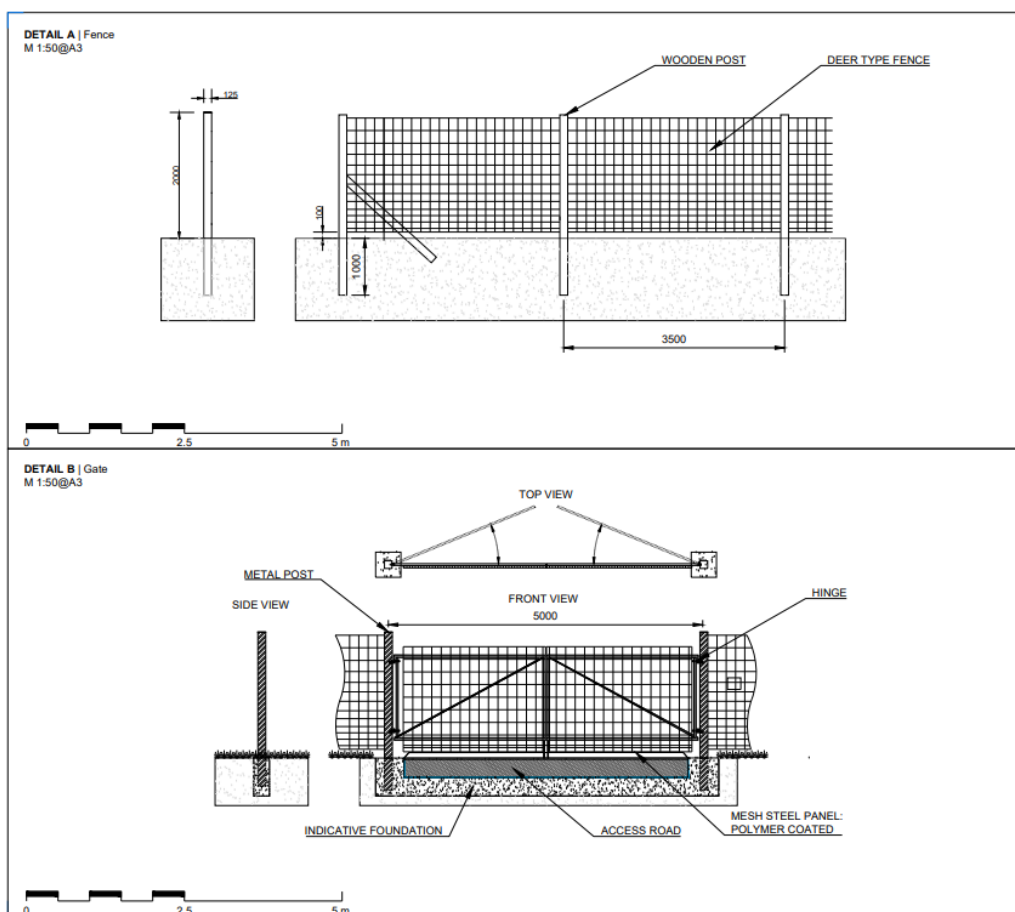


Figure 16: Fence and gate details as submitted

The provided document indicates an area of 1,752m of PRoW within the site that will be “unaffected” by the development; this appears correct to the extent that these areas are not subject to changes in route or requiring the provision of new boundary treatments directly adjacent; however, the visual amenity of users of those PRoWs can nonetheless be affected by the development and it is considered likely that there will be a change to the visual amenity along most PRoWs within the site boundary as a result of the development.

Conclusions

Chapter 5 of the applicant’s landscape and visual effects assessment proposes the following mitigation and enhancement measures:

- *Avoidance of development close to the main part of Kington St Michael [...] and siting it beyond an existing hedgerow that lies to the north of field 14. Fields 14 and 15 will also be behind a new hedge on the western boundary*
- *Avoidance of development on the Manor Farm Brook Fields County Wildlife Site [...]*
- *Retention of the existing trees and hedgerows throughout the site apart from [those which will] facilitate proposed maintenance tracks and permissive footpaths and bridleways. [...] Approximately 126 individual new trees, 1.65km of hedgerow, 1.09ha of scrub and 0.21ha woodland will be planted*
- *Retention of the alignment of the PRoWs that run through the site*
- *Introduction of a new hedgerow with hedgerow trees to the east of PROW KSTM1[...]*

- *Planting of Miscanthus giganteus to the north and west of Trade Winds (residential property) to create a fast and temporary visual screen, whilst the existing hedgerow continues to grow to panel height. [...]*
- *Introduction of new native woodland structure planting to strengthen an area of woodland along the stream corridor running east west through the southern part of the site to create an enhanced east west blue/green corridor [...]*
- *Introduction of new native woodland structure planting to the southwest of the properties on the A350*
- *Introduction of two section of new hedgerow planting and hedgerow trees along the western side of the A350 [...]*
- *Planting of a new hedgerow to the north of PROW KLAN39 between fields 8 and 10 and to the south of part of PROW KLAN33 between fields 5 and 9*
- *Infill hedgerow planting to existing hedgerows*
- *Existing hedgerow to the south of Nash Lane to be enhanced and infilled*
- *Introduction of new hedgerows with hedgerow trees. [...]*
- *Creation of wood pasture in the centre of the site north of the CWS. [...]*
- *Introduction of poplar and alder planting along the stream corridor*
- *Introduction of scrub planting within and west of the CWS adjacent to the stream and an area of scrub planting to the north of the CWS*
- *Introduction of diverse native fine grassland and tussock field margins providing a rich habitat for insects, mammals and nesting birds that will be utilised for light sheep grazing and will be cut annually. [...]*
- *Reinstatement and enhancement of the existing pond in the CWS, which will be managed for wildlife. Creation of three new leaky dams along the stream in fields to the west of the CWS*
- *Hibernacula and log piles will be constructed adjacent to the pond, hedgerows and woodland to enhance biodiversity*
- *Creation of a new permissive bridleways and footpaths around the outer edge of the western part of the solar farm to create a loop from Kington St Michael including along the stream corridor within the CWS*
- *New picnic benches adjacent to the stream*
- *Making land available for an off-lead dog walking area and allotments for locals on the western side of the western parcel*
- *Provision of a new community access and biodiversity area*
- *Provision of land and trees for a community orchard on the northwestern part of the western parcel*
- *Introduction of approximately 8ha of wildflower meadow for chalk and limestone soils beneath the panels of fields 3 and 6 and in the central area to the north of the CWS*
- *Biodiversity net gain more than 10% will be achieved.*

In addition to that explicitly listed within the applicant's landscape and visual effects assessments, review of plans provided shows that arrays are proposed to avoid any overlap of existing parcel boundaries and show that there will be retention and provision of hedgerows to clearly define these existing boundaries. This design consideration, coupled with the proposed and retained other planting, will maintain and complement the existing patchwork/irregular field character and will lessen the visual impact throughout the life of the scheme.

Figure 17 provides another closer view of the provided planting plan, focussing on parcels 2-10 as this is the area with the most concentrated number of solar arrays. Figure 18 shows recent aerial photography of the same area.



Figure 17: closer view of parcels 2-10 and proposed planting (as shown on submitted documents)



Figure 18: closer view of existing site relative to areas around proposed parcels 2-10

The scheme has been reduced since pre-application stage and further altered since the original planning submission (removing all battery storage systems). Whilst the panels themselves are of typical appearance of the type, it is apparent that as a whole, there will be a significant change of character to parcels where solar panels are to be sited, it is equally apparent that there has been careful consideration around mitigation measures and landscape enhancement. E.g. The community access and biodiversity area being adjacent to parcels 6 and 7 will provide a necessary visual break from solar development along with positive environmental enhancement.

Further natural-looking breaks in developed areas will also lessen the visual impact of development and, where these areas follow the existing field pattern, will be appropriately integrated into the landscape. New tree and hedgerow planting is proposed; the species and location of which are appropriately in keeping with the landscape setting which will provide necessary softening of the otherwise utilitarian panels, substations, cabins, fences and gates.

The proposed route of the connection to the national grid amounts to 4km in length and will be entirely below ground. Operational works to provide this connection will be highly visible and conspicuous during the construction phase but upon completion will otherwise be hidden throughout the life of the solar farm, thereby reducing impacts to the landscape to being transitory only.

Similarly, the views within, from and across the wider character of the Public Rights of Way network there will be a significant (long-term, reversible) harm to the visual amenity experienced, contrary to the aims of criteria (vii) of CP51 and criteria (i) of CP57. The scheme does, however, include significant public benefits associated with the PRow network (including more than 3km of new permissive footpaths and bridleways, and the creation of circular routes linking up footpaths which previously ended

at the A350) which provides some mitigation above and beyond the wider public benefit that solar development provides. Indeed, both the Council's Rights of Way officer and the Wiltshire Horse Society comments agree with those improvements.

Clearly, therefore, whilst much has been done within the application to avoid and mitigate impacts to the landscape, there remains a degree of harm. Nevertheless, as is identified within the Landscape Officers comment, that harm is localised and limited in scope. To that extent, the impacts identified can be inferred as being at the lower end of the scale.

Within their submissions, the applicant points to the advice contained within Overarching National Policy Statement for Energy (EN-1), whereby there is a recognition that "Virtually all nationally significant energy infrastructure projects will have adverse effects on the landscape..." (Paragraph 5.10.5) and "The scale of energy projects means that they will often be visible across a very wide area..." (Paragraph 5.10.35), yet is clear that residual landscape impacts should not prevent the delivery of CNP Infrastructure, other than in the most exceptional circumstances. The applicants assert that from such advice it should be the case that energy infrastructures which is smaller than nationally significant projects (such as this proposal) should also be approached in such a way.

Although there has been reference to such within appeal decisions as a material consideration, there is no expressly stated or automatic presumption (as set out in EN-1) that is applicable to the consideration of an application for solar energy generation development of this size, but is it nevertheless clear from section 14 to the NPPF, that significant weight should indeed be given to the need to support renewable energy and low carbon development, and that even small-scale projects provide a valuable contribution to significantly cutting greenhouse gas emissions. Recent decisions on renewable energy generating development in Wiltshire confirms this approach including appeal reference APP/Y3940/W/24/3346309, which relates to BESS development at 'land at Somerford Farm, Brinkworth', whereby despite concluding that the development would cause harm to the landscape character and visual amenities of the area in contravention of policies CP51 and CP57, the Inspector acknowledged the tension being created with CP42 (standalone renewable energy installations) and attached great weight to the public benefits of the scheme from its alignment with the NPPF and layers of national policy and guidance which supports renewable energy.

It is acknowledged that there is a differential in the level of landscape and visual impact from the proposals being identified between the Council's experts and some of the local representations. However, in this case, the landscape is not designated and neither does it possess the attributes which could lead to it being described as a 'valued landscape' for the purposes of the NPPF. In other respects, there is in fact no reason to conclude other than in accordance with that set out within the submission and as assessed by the Council's own Landscape Officer, in that the level of harm caused to the landscape is localised and therefore at the lower end of the scale.

In this case, and as is advocated by national policy and guidance and well established by appeal decisions, significant weight should be given to the proposal as renewable energy generating development. As is noted elsewhere in the report, the development will generate up to 40MW of renewable energy which will contribute to the national target to generate 32% of overall energy generation from renewable energy, assisting with the government objective to move to a low carbon economy. Such public benefits must be regarded as substantial.

The proposed development does not comply with all criteria of policies CP51 or CP57 of the Wiltshire Core Strategy and consequently neither can it meet the requirements of criterion (i) of CP42. In other respects, the proposals broadly meets the requirements of saved policies NE12 and NE14 of the NWLP and aims of GI5 and SCC3 of the Chippenham Neighbourhood Plan. Nevertheless, given the aforementioned substantial weight that should be given the benefits associated with the development, the material considerations in this case indicate that a decision should be made other than in strict accordance with those identified elements of the development plan.

9.6 Amenity

Criteria (vii) of Policy CP42 of the WCS requires development to address and take into account residential amenity including noise, odour etc.

Criteria (vi) of Policy CP57 of the WCS requires development to have regard to the compatibility of adjoining buildings and uses.

Saved policy NE18 of the NWLP requires development to not generate, or itself be subject to, harm upon public health or cause pollution to the environment by the emission of excessive noise, light intrusion etc.

Objections received raise concerns that the development will result in a negative impact on nearby residents and on users (including animals) of nearby stables, particularly throughout the construction phase.

Further concerns have been raised regarding the potential loss of privacy from any CCTV. The location of proposed security cameras has been indicated on the site layout plan as to be contained within the field parcels where solar arrays are proposed. No security cameras are proposed directly within publicly accessible areas and potential requirements for security cameras on private land is acceptable where compliance with separate legislation (not explicitly relating to planning matters) is adhered to.

The application has been submitted with a glint and glare assessment, noise assessment and statement of community involvement. The scheme has also been amended during the life of the application and further information provided to respond to public and consultee concerns raised. Plans provided do not indicate that there is any requirement for external lighting.

Noise and disturbance

The proposal has been submitted with a Noise Assessment, updated following initial comments from the Council Public Protection team and the removal of the BESS element. This confirms that the operation of the layout for the development has a low potential to affect the amenity of the closest residential receptors and that in all instances, the noise emissions from the inverter stations will be less or equal to the measured ambient sound level in the area thereby preserving the acoustic character of the area when using the public rights of way. Following assurances being sought on the data and assumptions being used to inform the noise assessment as a worst-case scenario, the Council's Public Protection team raises no objections to the end state development. No conditions are recommended by the Council's Public Protection team, but it is considered useful to include an informative on any decision notice so as to confirm that any noise above and beyond that which has been assessed may result in unacceptable nuisance to occupiers of neighbouring dwellings and bringing their attention to the Environmental Protection Act 1990.

The construction phase is expected to last some seven and half months, and as with most building projects there will be some disturbance, impact on amenity and inconvenience on those who live nearby or pass through the area. To that extent, the objections raised with representations are entirely understood and it is entirely appropriate for the applicant to have submitted a Construction Noise Assessment (included within a wider noise assessment document). This assessment confirms that construction works will be undertaken between 08:00 – 18:00 Monday – Friday and between 08:00 – 13:00 on Saturdays, no work to be carried out on Sundays or bank holidays and that acceptable noise limits will not be exceeded during the construction phase. In order to comply with policies CP42(vii)

and CP57(vi) and ensure that appropriate levels of amenity are achievable, it is reasonably necessary to condition strict accordance with these intended working hours. Again, the Council's Public Protection team raises no objection and does not suggest the need for any conditions to be imposed. However, it is nonetheless considered reasonable to make use of conditions which specify hours of construction and the submission of a Construction Environmental Management Plan so as to minimise impacts.

Following assurances being sought on the data and assumptions being used to inform the noise assessment as a worst-case scenario, the Council's Public Protection team also raises no objections to the development when operational.

Glint and glare

The methodology within the provided glint and glare assessment expresses that residential dwellings which are around 1km from solar PV development boundaries which have a visual line of sight to the panels have been assessed via modelling, as other dwellings were expected to be screened by these receptors, as well as by vegetation and/or other buildings found in between them. Further consideration related to road users, public footpaths, public bridleways and aviation has been made as part of their assessment. Existing obstructions such as buildings, trees and hedges have been included as part of the assessment along with proposed hedges and trees which have been specified within planting plans.



Figure19: Dwellings within 1km of the site which were assessed via modelling. (as shown on submitted documents)

The provided assessment expresses that, by reason of surrounding obstructions, the development will result in either no glint and glare impact or low impact (less than 60mins daily for less than 3 months of the year) on occupiers of neighbouring dwellings. Similarly, the assessment also concludes there would not be an impact on other receptors such as roads, rights of way and aviation etc.

Although often raised as a concern, in this particular case, there is considered to be no evidence to suggest that the proposals will cause an unacceptable impact upon the amenity of surrounding residential occupiers from glint or glare, with no further mitigation required (noting that new trees and hedges are already being proposed as part of landscape mitigation). As the planting of these trees and hedges will be conditioned as part of compliance with the planting plan there are no further mitigation measures necessary specific to glint and glare impacting residential properties. Indeed, the Council's Public Protection team, Landscape Officer, Highway Engineer nor any other consultee has raised any objections in this regard.

On balance, with the inclusion of carefully worded conditions, the proposed development meets the aims CP42(vii) CP57(vi) of the WCS and saved policy NE18 of the NWLP.

9.7 Highways and rights of way

Proposal

The proposal has been submitted complete with an Outline Construction Traffic Management Plan (dated April 2024). Figure 20 below shows the traffic routes for construction vehicles, together with the three access points from the A350/Allington Lane:

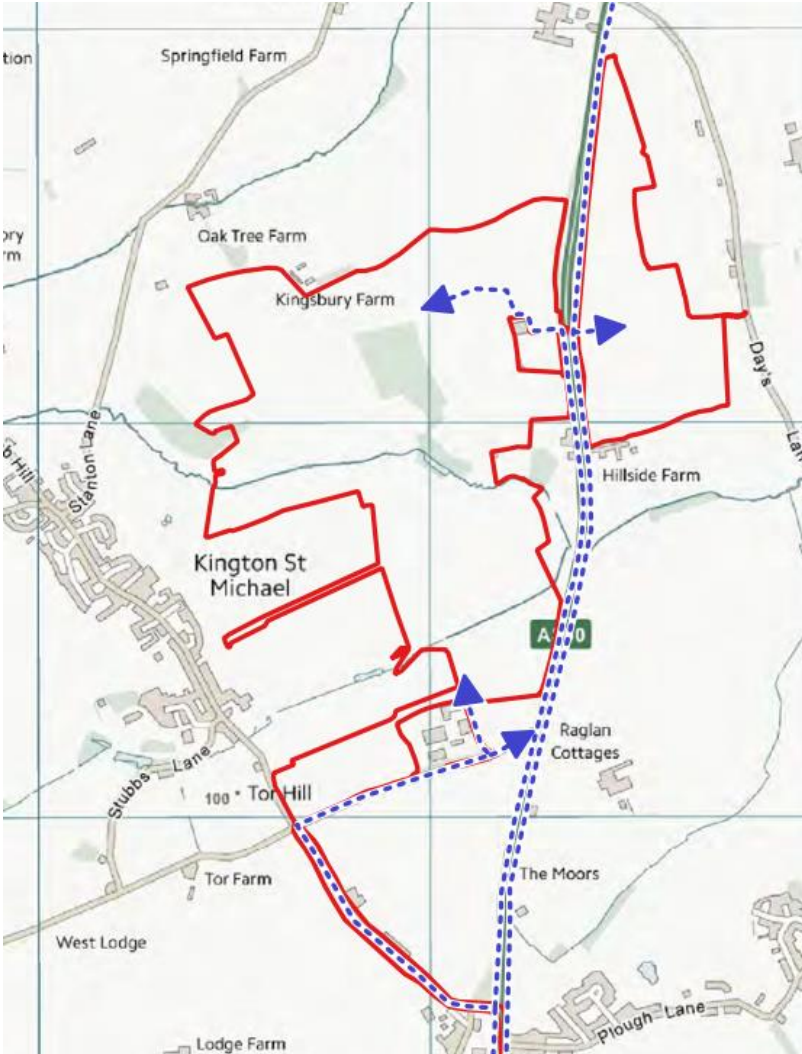


Figure 20: Construction Traffic Route (dashed blue) relative to the site (red line) (as shown on submitted documents)

The submission identifies that there will be three construction compounds set up within the site to accommodate storage of equipment, materials and parking for construction vehicles, including minibuses and cars. The proposals suggest that any non-local construction workers will likely stay in local accommodation and be transported to the site by minibus which would minimise the number of vehicle trips. There would also likely be encouragement for carpooling for anyone not using the minibus service. Further assessment would need to be made as part of an assessment of a final management plan.

The construction phase is anticipated to last for approximately seven and half months, with a total of 970 deliveries (1940 two-way movements) by HGVs. None of the shown construction traffic routes will be through the surrounding villages and will avoid school drop-off times. The submitted Outline Construction Management Plan setting out a table specifying the respective elements:

Activity	Type of Vehicle	Total Number of Deliveries
Solar Construction		
Solar Modules & Mounting Structures	Max 16.5 Articulated	288 (576 two-way movements*)
Inverters/Transformers	10m Rigid	26 (52 two-way movements)
Substation	10m Rigid and 16.5m Articulated	5 (10 two-way movements)
Internal Access Tracks	10m Rigid	258 (516 two-way movements)
JCB Delivery	Low Loader	15 (30 two-way movements if driven to Site)
Other (sand, gravel, waste etc)	Max 16.5 Articulated or 10m Rigid	378 (756 two-way movements)
Total		970 deliveries (average of just under 6 deliveries per day or 12 two-way movements per day**)
10% Buffer		1,067 deliveries (average of just over 6 deliveries per day or 12 two-way movements per day)
*Two-way movements relate to arrivals plus departures		
** Deliveries taking place over a seven and half month period (approx. 171 working days)		

Figure 21: Table of HGV movements from submitted Outline Construction Traffic Management Plan.

In terms of the operational solar farm, maintenance vehicles will access the western parcel of land by the same access junctions as for the construction period, that is off the A350. Maintenance vehicles will access the eastern parcel of land via the existing agricultural access on Day's Lane. Both accesses previously being improved for the purposes of construction.

The application has been submitted with supporting documents which include: proposed site access arrangement and footpaths plan, outline construction traffic management plan (which includes an Allington Road Audit, Stage 1 Road Safety Audit for Site Accesses, and Indicative Traffic Management

Plans and Stage One Road Safety Audit, amongst other things), passing area and signage plan, and maintenance road details.

Policy

Criteria (vi) of Policy CP42 requires proposals to take into account the use of the local transport network.

Criteria (ix) of Policy CP57 of the WCS requires development to ensure the public realm, including new roads and other rights of way, are designed to create places of character which are legible, safe and accessible.

Policy CP60 of the WCS expresses the Councils support and encouragement of sustainable, safe and efficient movement of people and goods within and through Wiltshire. Expressing under part CP60(vi) that there should be assessment and, where necessary, mitigation of the impact of development on transport users, local communities and the environment.

Criteria (ii) of Policy CP61 of the WCS requires proposals to be capable of being served by safe access to the highway network. CP61 further expresses that, where appropriate, contributions will be sought towards sustainable transport improvements.

Policy CP62 of the WCS requires development to provide appropriate mitigating measures to offset any adverse impacts on the transport network at both the construction and operational stages.

Policy CP64 of the WCS relates to demand management which includes traffic management measures.

Strategies included within LTP3 include Wiltshire's Road Safety Strategy (2011) Cycling Strategy (2014) and Accessibility Strategy (2014).

Saved policy T5 of the NWLP requires development affecting PRowS, cycle and pedestrian routes to make a satisfactory provision (in terms of safety, attractiveness and convenience) to retain or divert the existing or proposed route.

Policy T1 of the Chippenham Neighbourhood Plan⁴ requires cycling scheme to be prepared for all major development proposals, where it is appropriate to encourage modal shift from the private car. In this instance there is no suggestion that the development will be likely to generate significant levels of traffic of any sort beyond the construction phase.

Assessment

As might be expected given the scale of the development, a reasonably substantial number of the public concerns received relate to the potential impact on users of PRowS, as well potential impacts on highway safety during construction (especially through Kington St Michael and surrounding villages). In particular, detailed "risk assessment" documents have been submitted by objectors in respect of the perceived risks to footpaths and public access as well as construction traffic. These documents conclude, *inter alia*, that the proposed points of access for construction traffic are not designed and are unsafe for the expected HGV traffic (especially at the Tor Hill crossroads where there is anecdotal evidence of accidents) and that the degree of fencing of the public rights of way will induce anxiety,

⁴ Only the underground cable connection sits within the Chippenham Neighbourhood Plan area.

restrict persons from finding a quicker exit in the event of an emergency and access for emergency services (particularly fire).

Within the April 2024 revisions, and in response to those concerns, the applicant has confirmed that construction traffic will not be routed through Kington St Michael nor any of the other surrounding villages. Additional signage will be erected to alert drivers to the presence of construction traffic, including at Tor Hill crossroads as well as an increase in the width of the Allington Lane junction as well as management arrangements to ensure traffic is deconflicted as far as is possible via a full-time banksman. The applicant refutes the suggestion that the construction accesses are, after they have been widened, unsafe (pointing out that they are already in use by large agricultural vehicles) and that the extent and height of the fencing to the rights of way would not feel unduly enclosed or be unsafe.

In their comments, the Council's Highway Engineer confirms that they find the proposed three points of access for construction traffic to be acceptable (noting that improvements to those points access will necessitate agreement under the Highways Act). Similarly, in their initial comment, the Highway Engineer also confirms the existence of three passing places along Allington Lane which would be available for a car to use in the event of meeting a HGV travelling in the opposite direction, with subsequently provided swept path analysis confirming suitability (notwithstanding the applicant has confirmed a left-in, left-out arrangement).

Ultimately, the Council's Highway Engineer raises no objections subject to the imposition of conditions covering such matters as the detail of the access improvements, provision of the necessary visibility splays, a decommissioning plan and a detailed Constriction management Plan (building on the outline plan submitted) so as to confirm such matters as road maintenance following any damage caused as well as measures to control dust and dirt. A subsequent request that the Council's Highway Engineer consider the points raised within the detailed "risk assessment" documents submitted by objectors confirms that there is nothing within those documents which would change their conclusion that no objection be raised.

Whilst it is accepted that the construction period will inevitably result in some inconvenience and disruption to residents and users of the highways and PRoWs, it needs to be acknowledged that such inconvenience and disruption will be temporary. Indeed, the bar set by paragraph 116 to the NPPF to refuse planning permission on highways grounds is set at a high level:

Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or that the residual cumulative impacts on the highway network would be severe, taking into account all future scenarios.

In this particular case, and whilst acknowledging the concerns within representations, there is no evidence beyond the anecdotal that, subject to conditions being imposed, the proposals would cause an unacceptable impact on highway safety or that the cumulative impacts on the highway network would be severe. The applicant has addressed the matters fairly, with the Council Highway Engineer confirming that those objections do not change their conclusion that the proposals are acceptable.

Accordingly, and subject to the imposition of conditions, the proposed development is considered to comply with the aims of CP64 of the WCS, saved Policy T5 of the NWLP and policy T1 to the Chippenham Neighbourhood Plan (albeit acknowledging that only the cable connection route element of the site is within the plan area). Furthermore, with the understanding that further assessment will be

made as part of any discharge of conditions applications, the scheme complies with the aims of CP42(vi), CP57(ix), CP60(vi), CP61(ii), CP64 of the WCS.

9.8 Drainage

Policy CP67 of the WCS relates to flood risks and outlines the expectation that all new development will include measures to reduce the rate of rainwater run-off and improve rainwater infiltration to soil and ground (sustainable urban drainage) unless site or environmental conditions make those measures unsuitable.

A Level 1 strategic flood risk assessment (FRA) for Wiltshire Council was carried out in May 2019 which included the observation that, *for development to be considered at low risk of flooding, it must meet the following conditions, determined by the Council:*

- *Site is within Flood Zone 1*
- *Site is not within Flood Zone 3 plus climate change*
- *Less than 10% of the site is at risk from surface water flooding in the 1 in 1,000 year event*
- *Less than 10% of the site is within highest risk category*
- *Site is not within an area highlighted on the historic flood map*
- *Site is not at risk of reservoir flooding*
- *Site does not contain a main river.*

Most of the site is located within flood zone 1; however, there are tributaries within the site (shown on figure 22) which feed into the River Avon. Some areas around these tributaries are in flood zones 2 and 3 (shown on figure 23). Given the size of the development site and that not all of the site is flood zone 1, the application has been submitted with a site-specific FRA, along with a Drainage Strategy.

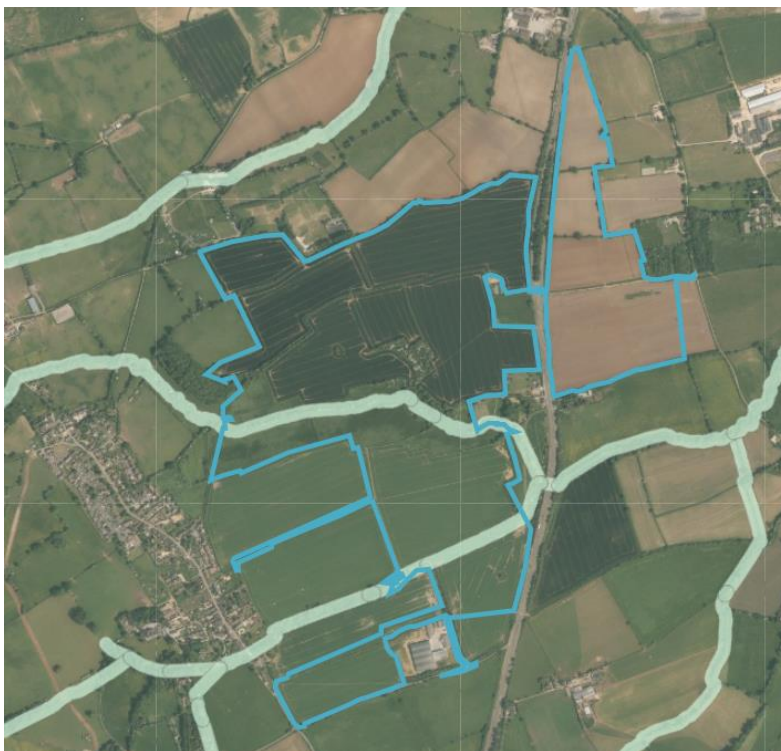


Figure 2: watercourses (light green infill) in and around the Red Barn site (blue outline)

All of the development footprint is to be located on land within Flood Zone 1, at a low risk of fluvial flooding and as such is an appropriate location for essential infrastructure development (which includes solar farms). Similarly, EA mapping confirms the majority of the site is at zero or very low risk of ground

water and pluvial flooding respectively, with relatively small areas of medium risk around the watercourses in the western parcel of the site.

The scheme includes new runoff swale features, which will offset any additional runoff drainage as a result of the development and, given the combined storage volume (approximately 200% larger than Wiltshire Council's anticipated requirement), will result in a drainage betterment to the locality.



Figure 23: Flood Zone 3 (blue infill) relative to the Red Barn site (blue outline)

Consultation with the Environment Agency (EA) was carried out who raised no objection to the scheme subject to a condition restricting ground raising, explicitly stating that no ground raising shall occur within Flood Zones 2 or 3. The EA's recommended condition is reasonably necessary.

Consultation with the Councils Drainage Engineer was also carried out and their representation also raised no objection subject to a separate condition requiring the submission of a Construction Management Plan.

With the inclusion of reasonably necessary conditions (suitably reworded to clarify requirements and to accommodate overlapping requirements from the various consultees), the scheme complies with the aims of CP67 of the Wiltshire Core Strategy.

9.9 Ecology

Paragraph 192 of the NPPF outlines how plans should protect and enhance biodiversity and geodiversity. In carrying out its statutory function, the local planning authority must have sufficient information to judge whether the proposal would be likely to result in any adverse impact to protected habitats or species.

Schedule 14 of the Environment Act (2021) expresses that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development may not be begun unless a biodiversity gain plan (BGP) confirming at least a 10% gain in biodiversity be submitted to, and approved by, the planning authority.

Policy CP50 of the WCS identifies the need to protect Wiltshire's natural environment, including features that provide an ecological function for wildlife and requires development proposals to demonstrate how they protect features of nature conservation and geological value as part of the design rationale. CP50

further includes the requirement for all development to seek opportunities to enhance biodiversity, expressing that enhancement measures will contribute to the objectives and targets of the BAP.

Policy G11 of the Chippenham Neighbourhood Plan specifies ways in which features of significant biodiversity value should be retained and enhanced and is explicit that major development must demonstrate at least 10% BNG, secured for at least 30 years.

There have been objections raised which include concerns raised that the scheme will result in a negative impact on wildlife. There have also been public comments of support received, expressing that the new planting etc will provide gains for biodiversity.

The application has been submitted with supporting documents relating to ecology, including: biodiversity metrics, habitat information, ecological assessments and biodiversity management plan. The following the following key biodiversity elements have been identified on site:

- Manor Farm Brook Fields: 6.77ha site
- Woodland: Two blocks of native deciduous woodland
- Hedgerows
- Mixed native scrub
- Trees: Mature free standing and hedgerow trees
- Priority grassland: Three small patches of lowland calcareous grassland
- Arable field margins
- Ponds and waterways: One seasonal pond and a brook across two sections of the site
- Bats: At least 10 bat species using the survey area
- Birds: Skylark territories and many hedgerow nesting birds

The applicant's ecological assessment indicates that amphibians, including GCNs, have been identified as possible within the site. The assessment also indicates that, whilst no setts were observed, badgers within the site are probable.

Natural England's representation raises no objection to the scheme subject to conditions and includes observations that a *final protected species mitigation strategy should be agreed by [the] Authorities Ecology Team*.

The Councils Ecologist similarly raises no objection to the scheme subject to further conditions. Their representation also provides observation that the scheme was submitted prior to BNG becoming mandatory but that the detail provided by the applicant shows that there will be no net loss to biodiversity as is required by Policy CP50 to the Wiltshire Core Strategy, with an anticipated net gain of 53.96% in habitats, 21.63% in hedgerows and 39.26% for watercourses. Informatives have also been recommended to bring the applicants attention to separate legislation relating to protected species.

Indeed, within the submission, it is explained that whilst the proposal is principally a renewable energy development, it is also a biodiversity enhancement scheme. There is a range of ecological features within the site that will be retained and managed to improve the biodiversity of the site, including trees, hedgerows, and a pond. The scheme includes mitigation and enhancements (as encapsulated within para 5.66 of the submitted PDAS), but key elements summarised below, and noting that it is not exhaustive:

- *Avoidance of development on Manor Farm Brook Fields CWS*

- *A specific fencing solution will be employed where the deer proof security fence crosses existing hedgerows to avoid any hedgerow loss*
- *A set back of approximately 4.5m will be established from hedgerows and will be fenced off during construction.*
- *A minimum 5m buffer will be provided around the existing pond and other watercourses*
- *A 15m buffer adjacent to all woodland*
- *A 10m buffer along all field boundaries noted for high levels of bat activity*
- *Site fencing includes a 10cm gap at the base to ensure that mammals such as badgers and hares can access the site post-construction*
- *In total, approximately 1.65km of new species rich hedgerow is to be planted*
- *Retention and management of existing trees and most of the hedgerows and hedgerow trees throughout the site (38.5m of boundary hedgerow and 66m² of hedgerow group will be lost).*
- *New hedgerows, trees and scrub to be planted comprising native shrub species reflecting the local landscape,*
- *A programme of works specifically designed to enhance the botany of the CWS, including calcareous grassland and last the lifetime of the solar farm*
- *Provision of 8.08ha of wildflower meadow on the south facing slopes of fields 3 and 6, as well as within the community access and biodiversity area (field 23)*
- *Provision of six drainage swales which will be planted with a native wetland wildflower and grass seed mix along the swale trenches and tussocky grassland seed mix on the banks to enhance their ecological value*
- *Provision of bird, including one barn owl nest box, and bat boxes and solitary bee and bug hotels*
- *Five hibernacula will be installed adjacent to scrub, woodland, the pond, or hedgerows. Ten wood piles will be constructed adjacent to woodland, the pond, or hedgerows to enhance biodiversity.*
- *Provision of compost heaps suitable for nesting grass snakes positioned around field boundaries*
- *Provision of land and trees to be planted for a community orchard*
- *Provision of skylark plots on arable land use outside of the planning application boundary (in the applicant's control)*
- *Long term habitat management (as detailed in the BMP) to maximise ecological benefits. Measures include low levels of year-round/seasonal sheep grazing, low levels of seasonal cattle grazing in the CWS, hay cuts, rotational tussocky grassland cuts, grass cutting, rotational hedge cuts, removal of scrub where required, management of wetland habitats, management of nest boxes and refugia and avoidance of use of any fertilisers or pesticides and only occasional herbicide use.*

Further information has been provided throughout the life of the application to respond to queries and concerns raised, and this has allowed the Council's Ecologist to reach a positive conclusion, subject to the imposition of conditions. It is considered reasonably necessary to include all recommended conditions made by Natural England and the Council's Ecologist, which includes the requirement for further information to be submitted (as part of a CEMP and LEMP) and approved prior to commencement of development (including ground works/excavations). The ecological enhancements go beyond what is required by policy and the Environment Act and are regarded as a benefit of moderate to substantial weight.

Given the scale of the development being proposed, the local concerns raised are understood, and in this case, it is concluded that the scheme has been well designed to ensure that biodiversity matters

have been considered from the early stages, including ensuring that ecological surveys were carried out at appropriate times within the year, prior to submission of this application. With the inclusion of reasonably necessary conditions the proposed development is considered to meet the aims of CP50 of the Wiltshire Core Strategy, policy GI1 to the Chippenham Neighbourhood Plan, and the requirements of the NPPF.

9.10 Other matters

Benefits not required by planning policy

Although remaining under the control of the current owners, in addition to providing BNG, and improvements to the Public Rights of Way network, the submission also indicates that there would be the facility for further public benefits on land within the applicant's ownership including land proposed for dog walking and land which can be utilised for allotments.

The applicant's supporting documents also indicate a "community benefit" fund that amounts to £21K p/a. The submission explains this would run for the 40-year lifetime of the solar farm and would be administered by a panel comprising members of the parish councils and other local community representatives to bring economic, social and environmental benefits to the area. The scheme will provide an opportunity for shared community ownership of the solar farm with savings on energy bills through Ripple Energy.

A further £3,000 per year is suggested will be allocated to local schools to be used for educational purposes linked to the solar farm.

Neither the community benefit fund nor the education fund are elements which should be taken into account in the planning balance of whether permission should be granted or refused.

Fire risk

In common with their responses to other applications of the type, the Dorset and Wiltshire Fire and Rescue Service raise comments in respect of the presence of Li-ion battery cells and the management of fire risk, and the intersection with other, separate legislation. Although the application was submitted complete with an Outline Battery Safety Management Plan (dated November 2023), in this particular case, revisions were made to the proposals which in any event omit the Battery Energy Storage System (BESS) element.

10. Conclusion (The Planning Balance)

The proposed development is for the installation of a renewable led energy scheme comprising ground mounted photovoltaic solar arrays together with ancillary infrastructure. The proposed development is sustainable development that will make a significant contribution to the supply of renewable energy helping to reduce carbon emissions required to meet the Climate Change Act 2050 net zero target.

The principle of the proposed development is in accordance with local planning policies, which are supportive of renewable energy schemes, particularly policy CP42 to the Wiltshire Core Strategy and policy SCC3 to the Chippenham Neighbourhood Plan, supporting Wiltshire's Green and Blue

Infrastructure and climate strategies. Further, the scheme is also aligned with the NPPFs requirement for the planning system to support the transition to a low carbon future as well as other national policies, such as the National Policy Statement for Energy, EN-1 and EN-3 which offer significant support for renewable energy development and, whilst falling below the thresholds of NSIP development, arguably should be given weight as a material consideration in the determination of this application⁵. Further, both the last and the current government have issued Written Ministerial Statements confirming the importance of renewable energy development and the intention to revise the NPPF to boost the weight that planning policy gives to the benefits associated with it. Written Ministerial Statements are capable of being given weight in the planning balance.

Indeed, in this case the development will generate up to 40MW of renewable energy and, as is advocated by national policy and guidance and well established by appeal decisions, significant weight should be given to the nature of the proposal as a renewable energy generating development. The development will contribute to the national target to generate 32% of overall energy generation from renewable energy, assisting with the government objective to move to a low carbon economy and cutting greenhouse gasses. Such public benefits must be regarded as substantial.

In other respects, the scheme proposes ecological enhancements which comply with and go beyond the minimum requirements of policy CP50 to the Wiltshire Core Strategy and policy GI1 to the Chippenham Neighbourhood Plan as well as the Environment Act. The proposal also includes improved Public Rights of Way connections. Such should be given moderate to substantial weight in favour of the proposals. There are also local economic benefits associated with the development during the construction phase, which should also be given low to moderate weight.

Of neutral weight is the temporary loss of grade 3b and grade 4 agricultural land, which is not objectionable or contrary to the policies as set out within the development plan and the NPPF. Sufficient information has been provided as part of the application to make a provisional assessment of the archaeological impacts of the development; however, it is necessary to condition an Archaeological Management Plan to enable the protection of matters of archaeological interest.

Subject to the imposition of planning conditions, the potential of impacts from noise and dust during construction as well as from glint and glare from the panels when installed is not considered to be unacceptable and will comply with the requirements of policies CP42(vii) CP57(vi) of the Wiltshire Core Strategy and saved policy NE18 of the North Wiltshire Local Plan.

The treatment of the Public Rights of Way are acceptable and, subject to the imposition of conditions, the construction and operational traffic and access arrangements will not cause an unacceptable impact on highway safety, or cause the residual cumulative impacts on the road network to be severe, thereby meeting with the requirements of policies CP42(vi), CP57(ix), CP60(vi), CP61(ii), CP64 of the Wiltshire Core Strategy, saved policy T5 to the North Wiltshire Local Plan and policy T1 to the Chippenham Neighbourhood Plan.

Turning to the adverse impacts associated with the development, it is evident that there will be a less than substantial impact upon heritage assets (the Grade II* Kington St Michael Church and Kington St Michael Conservation Area). As is concluded by the Council's Conservation Officer, that harm is

⁵ As referenced within the applicant's submission documents, within the recent appeal decision (APP/U2235/W/23/3321094) 'Land north of Little Cheveney Farm', published 5 February 2024, the Inspector states at paragraph 12 that "in assessing nationally significant infrastructure projects (NSIPS) EN-1 also makes it clear that the NPSs may be a material consideration in dealing with cases [under the Town and Country Planning Act] such as that before me".

regarded to be at the lower end of the spectrum and would conflict with Policies CP42(v), CP57 (iv) and CP58 to the Wiltshire Core Strategy.

Further harm is caused to the landscape and visual effects from the development. The landscape is not designated, with the Council's Landscape Officer concluding that following amendments to the proposals and the imposition of planning conditions, the impacts to the landscape and visual effects are localised and therefore the harm caused is regarded as being at the lower end of scale. To that extent there remains a conflict with policies CP51 or CP57 of the Wiltshire Core Strategy and consequently neither can it meet the requirements of criterion (i) of CP42 of the Wiltshire Core Strategy.

Taking the benefits and adverse impacts into a balanced account, it is clear that the benefits associated with the development are demonstrable and substantial; greatly outweighing the more limited harm and conflict with local policy identified. On this balanced judgement, therefore, the proposal development is recommended for approval, subject to the imposition of planning conditions.

RECOMMENDATION: The planning permission be GRANTED subject to the following conditions:

Scope of permission

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

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

2. The 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 sooner. 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 substations, DNO substation, customer cabin, spare parts container, 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 and to ensure the long-term management of and ecological features retained and created by the development and in the interests of the significance of the heritage assets, their setting and the wider landscape.

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

Plans for approval	Drawing no.
Site location plan	TOR-XX-XX-P-L-002 Rev C
Solar farm layout plan	EDR1008-101 Rev AB
Landscape planting plan	TOR-XX-XX-P-L-001 Rev S
PV array details	EDR1004-200
Fixed-tilt array details (2P)	EDR1008-202
Fixed-tilt array details (3P)	EDR1008-201
40ft (12.2m) central inverter substation details	EDR1008-206 Rev A
Customer substation building details	EDR1008-210 Rev B
Distribution network operator container details	EDR1008-211 Rev B
Customer cabin details	EDR1008-212 Rev B
Fence and gate details	EDR1008-214 Rev O
Security camera plan	EDR1008-215 Rev A
Maintenance road details	EDR1008-216
Hedge crossing details	EDR1008-217
Spare parts container details	EDR1008-222 Rev B
A350 Western Land Parcel – Proposed site access arrangement	2201-050 SK01 Rev D
A350 Eastern Land Parcel – Proposed site access arrangement	2201-050 SK02 Rev D
Southern Land Parcel – Proposed site access arrangement	2201-050 SK03 Rev D
Southern Land Parcel – Existing junction improvements	2201-050 SK04 Rev C
Proposed Day's Lane Operational Access – Existing Junction Arrangement	2201-050 SK05 Rev A
Construction vehicle route	2201-050 Figure 3.1
Indicative Traffic Sign Management Plan: Access Construction	2201-050 SK13 Rev A
Indicative Traffic Sign Management Plan: Solar Construction	2201-050 SK14 Rev A
Allington Lane Audit passing area & signage plan	2201-050 SK15 Rev A
Tree protection plans	Tree Protection Plans PRI23824-03 Sheets 1 of 20 – Sheet 20 of 20
Drainage Strategy Page 1 of 2	20868-RAP-XX-XX-DR-D-3100 Rev P11
Drainage Strategy Page 2 of 2	20868-RAP-XX-XX-DR-D-3101 Rev P11
Documents for approval	
Biodiversity Net Gain metric 4.0	30 April 2024
UK HabTable & Woodland Conditions Sheets 20240430	20240430
Environmental Statement	September 2023
ES Technical Appendix A1a Heritage desk-based Assessment	April 2024
ES Technical Appendix A2 Geophysical Survey Report	October 2021
ES Technical Appendix A3 Archaeological Evaluation	CR1477_ Rev B April 2024
ES Technical Appendix Ba Landscape and visual assessment	April 2024
ES Technical Appendix C1a Full Ecological Assessment	V10 April 2024
ES Technical Appendix C2 Bat report	July 2023 (Updated Sep 2023)
ES Technical Appendix C3 Breeding Bird Survey	V3 October 2023

ES Technical Appendix C4a Biodiversity Management Plan	V 11 April 2024
Environmental Statement Addendum	April 2024
Outline Construction Traffic Management Plan	Rev B April 2024
Flood risk assessment and drainage strategy	Rev 08 April 2024
Noise Assessment	24 April 2024
Arboricultural Impact Assessment	PRI23824aia Rev A 08.04.2024
Glint & Glare Assessment	Revision 5.0 05 April 2024

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

Drainage

4. No development shall commence on site until a drainage management plan, which shall include monitoring of, and measures to retain, the existing vegetation across the site, has been submitted to and approved in writing by the Local Planning Authority. The drainage management plan shall include a robust soil, grass, and/or land management plan maintaining vegetative areas in between the solar arrays at a long length to help interrupt and slow the channelised flows, reducing erosion and also enhance and promote the infiltration and interception capacity. This should also include details of the regime for monitoring vegetation cover including frequency of visits, and set out remedial measures that could be implemented if problem areas are identified. The development shall be carried out in complete accordance with the agreed drainage management plan.

REASON: To ensure that surface water quality and quantity is managed throughout construction and so as not to increase flood risk, or pollution of watercourses.

5. No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP), incorporating pollution and other prevention measures, has been submitted to and approved in writing by the Local Planning Authority. The submitted CEMP must include safeguarding measures to deal with the following pollution risks and impacts:
- a) Details of the protection of the watercourse during construction (eg. fencing)
 - b) the use of plant and machinery
 - c) wheel washing and vehicle wash-down and disposal of resultant dirty water
 - d) oils/chemicals and materials
 - e) the use and routing of heavy plant and vehicles
 - f) the location and form of work and storage areas and compounds
 - g) the control and removal of spoil and wastes.
 - h) How open excavations on site will be dealt with outside of working hours and after dusk to prevent entrapment of mammals that may cross the site
 - i) The arrangements to be made for water during the construction phase

The plan shall subsequently be implemented in accordance with the approved details and agreed timetable.

REASON: To prevent pollution of the water environment

6. No ground raising shall occur within Flood Zone 2 or 3 as a result of the approved development.

REASON: To prevent and minimize flood risk.

Archaeology

7. No development shall commence within the application site until an Archaeological Management Plan (which shall include a setting out how the risk to ditched enclosures in trenches T47-48, T41 and T153 will be mitigated prior to and during the construction and operational phases of the development), has been submitted to and approved by the Local Planning Authority

REASON: To enable the protection of any matters of archaeological interest.

8. No development shall commence within the application 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.

Tree protection

9. 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 and tree protection plans prepared by ACD Environmental dated 8 April 2024.

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 due to the development, 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 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 and biodiversity.

Ecology

10. 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.
 - b) Working method statements for protected/priority species, such as nesting birds and reptiles.
 - c) Mitigation strategies already agreed with the local planning authority prior to determination, such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
 - d) 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.
 - e) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).
 - f) 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.

11. No external light fixture or fitting will be installed within the application site (either during the constructional and operational phases) unless details of any 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 details and 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.

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

12. Prior to the start of construction, a Landscape and Ecology 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, management responsibilities and maintenance schedules for each ecological feature within the development, together with a mechanism for monitoring success of the management prescriptions, incorporating review and necessary adaptive management in order to attain targets.

The LEMP shall also include details of the legal and funding mechanism(s) by which long term implementation of the plan will be secured. The LEMP shall be implemented in full and for the lifetime of the development in accordance with the approved details.

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

13. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting after completion of the development.

All vegetation [and biodiversity mitigation/enhancement features] shall be maintained in accordance with the Biodiversity Management Plan, 30 April 2024 for the duration of the development from the commencement of the scheme and shall be protected from damage.

Any trees or plants which, die, are removed, or become seriously damaged or diseased due to the development 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.

The installation of the biodiversity mitigation and enhancement measures will be supervised by a professional ecologist and will continue to be available for wildlife for the lifetime of the development.

REASON: To ensure a satisfactory implementation and maintenance of the Biodiversity Mitigation and Enhancement Strategy.

14. Prior to the commencement of development, full and complete details of the proposed Skylark mitigation measures shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out incorporating the agreed mitigation measures, which shall remain in place throughout the lifespan of the development.

REASON: So as to secure the Skylark mitigation measures for the duration of the development.

Highways

15. No development shall commence on site until full engineering details of the site accesses from the A350 and the improvements to the Allington Lane/Tor Hill crossroads, together with appropriate details for traffic management, have been submitted to and approved in writing by the Local Planning Authority. The improvements to the accesses shall be constructed and laid out in accordance with the approved details prior to any development commencing on the sites.

REASON: To ensure that the access junctions are laid out and constructed in a satisfactory manner.

16. No development shall commence on site until a visibility splay for the Eastern access from the A350 has been provided between the edge of the carriageway and a line extending from a point 4.5m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 295 metres to the north from the centre of the access, in accordance with the approved plans. Such splay 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.

17. No development shall commence on site until a visibility splay for the Western access from the A350 has been provided between the edge of the carriageway and a line extending from a point 4.5m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 215 metres to the south from the centre of the access, in accordance with the approved plans. Such splay 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.

18. No development shall commence on site until a visibility splay for the Allington Lane access has been provided between the edge of the carriageway and a line extending from a point 2.4m metres back from the edge of the carriageway, measured along the centre line of the access, to a point on the edge of the carriageway 100 metres to the west from the centre of the access, in accordance with the approved plans. Such splay 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.

19. No development shall commence on site until details of the proposed width of the access tracks, including any passing bays, between the public highway and the site compound, have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

20. The development hereby permitted shall not be first commenced until the access tracks between the public highway and the site compounds have been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

21. The development hereby permitted shall not be first brought into operation until the Day's Lane access for a distance of 10 metres from the Day's Lane carriageway edge has been consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority.

REASON: In the interests of highway safety.

22. The development hereby permitted shall not be first brought into operation until parking and turning arrangements for maintenance vehicles at the Day's Lane access have been constructed within the site to the satisfaction of the Local Planning Authority, in accordance with details which shall have been submitted to and approved by the Local Planning Authority. Such parking and turning space shall thereafter be maintained free of obstruction at all times and shall not be used for any other purpose.

REASON: In the interests of highway safety.

23. Upon the expiration of the life of the solar farm, a decommissioning plan to remove the solar panels, together with any supporting/associated infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. Such a decommissioning plan shall include the traffic management requirements to manage the HGV and contractor movements affecting the public highway network.

REASON: In the interests of highway safety.

Public Rights of Way and permissive paths and bridleways

24. Prior to the commencement of development, full and complete details of the proposed permissive paths and bridleways shall have been submitted to and agreed in writing by the Local Planning Authority. Such detail shall include linkages to the Public Rights of Way network, all signage and

stiles, gates and crossings. The development shall be carried out in accordance with the details so agreed.

REASON: In the interests of securing the final detail of the permissive paths and bridleways which are of benefit to the development being proposed.

25. All permissive paths and bridleways and their linkage to the Public Rights of Way network shall be made open and available for public use prior to the first operation of the development hereby granted planning permission. The permissive paths and bridleways shall remain open for use by the public for the lifetime of the development.

REASON: In the interests of securing the final detail of the permissive paths and bridleways which are of benefit to the development being proposed.

External lighting and landscaping

26. Notwithstanding the details hereby approved, the finished colour for all cabins, substation containers, fencing and any other structure that forms a part of this development shall be finished in a dark green (RAL 6007) and shall be maintained as such thereafter.

REASON: In the interests of preserving the character and appearance of the area.

27. Landscape Planting shall be undertaken in accordance with plan reference drawing no. TOR-XX-XX-P-L-001 Rev S and maintained as such thereafter.

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following completion of the development whichever is the sooner, or in accordance with a programme to be agreed in writing with 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.

All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features and to ensure that the site is satisfactorily landscaped in order to support protected species and their habitats

Construction

28. No construction or demolition work shall take place on Sundays or Public Holidays or outside the hours of 08:00 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays.

REASON: Core policy 57, Ensuring high design and place shaping such that appropriate levels of amenity are achievable.

29. No development shall commence on site until a Construction Management Statement, together with an explanatory site plan, which shall include the following:

- a) Traffic routing plan;
- b) Traffic routing signs and HGV turning warning signs (including signage drawing(s));
- c) Details for off-site and on-site traffic management ensuring that the arrivals and departures of HGVs are controlled to avoid any conflict;
- d) Traffic Management Plan (including signage drawing(s)), and the use of banksmen;
- e) Details of temporary/permanent Traffic Regulation Orders;
- f) Phasing plan;
- g) Number (daily/weekly) and size of delivery vehicles;
- h) Number of construction staff vehicle movements;
- i) Parking and turning of delivery vehicles, site operatives and visitors;
- j) Loading and unloading of plant and materials;
- k) Hours of construction, including delivery schedules;
- l) Storage of plant and materials used in constructing the development;
- m) Location and type of wheel washing facilities;
- n) Confirmation that the passing bays on Allington Lane (as demonstrated on drawing reference SK15 rev.A, dated 18/03/24) are to be provided and are fit for purpose, in terms of construction/surfacing and dimensions;
- o) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- p) Measures to control the emission of dust and dirt during construction;
- q) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- r) Measures for the protection of the natural environment.

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction management plan without the prior written permission of the Local Planning Authority.

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.

30. Prior to the commencement of development, a photographic pre-condition highway survey shall be carried out on the C154 Kington St Michael Road between the A350 to the east of Tor Crossroads, and the full length of the C153 Allington Lane. Upon completion of the construction

phase of development, a further photographic post-condition survey shall be carried out of the same road. Copies of the pre and post condition surveys shall have been submitted to the Local Planning Authority prior to the first operation of the solar farm.

REASON: So as to provide photographic evidence of the road network both before and after the construction phase of development in order to inform a rectification of any defects which are attributed to site construction traffic.

Informatives

Highways

With respect to condition 30, the applicant should be informed that the Highway Authority will pursue rectification of any defects identified by the highway condition survey which can be attributed to the site construction traffic under the provision of S59 of the Highways Act.

The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a S278 agreement will be required from Wiltshire's Highway Authority before any works are carried out on any carriageway, verge or other land forming part of the highway.

Public Rights of Way

The applicant is requested to consider the permanent retention of the new permissive paths at the end of the life of the development and to dedicate them as Public Rights of Way.

If during construction any of the Public Rights of Way need to be closed, then the applicant will need to apply for a TTRO with at least 12 weeks' notice.

It is requested that the new Permissive Bridleways and footpaths are made available as soon as it is safe to do so in the interest of public safety. The permissive Bridleways and Footpaths will need to be signed when they are made available so that they are easy to follow as they will not show up on the Ordnance Survey map.

Any stiles within the development site should be removed if they are not required for the control of livestock, if they are still needed then they should be upgraded to the least restrictive option to allow for as many users as possible to enjoy the Public Rights of Way network.

Any changes to the Public Rights of Way access furniture will need to be authorised by the Countryside Access Officers under section 147 of the Highways act 1980.

Drainage

Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development involves carrying out work within 8m of an ordinary watercourse. This includes watercourse crossing points.

Ecology

Reptile and Amphibians - There is a residual risk that great crested newts / reptiles could occur on the application site. These species are legally protected and planning permission does not provide a defence against prosecution. In order to minimise the risk of these species occurring on the site, the developer is advised to clear vegetation during the winter, remove all waste arising from such clearance and maintain vegetation as short as possible. If these species are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or the Council Landscape and Design Team (ecologyconsultations@wiltshire.gov.uk).

Birds and the nesting season - The adults, young, eggs and nests of all species of birds are protected by the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Please be advised that works should not take place that will harm nesting birds from March to August inclusive. All British birds, their nests and eggs are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000 while birds are nesting, building nests and sitting on eggs. The applicant is advised to check any structure or vegetation capable of supporting breeding birds and delay removing or altering such features until after young birds have fledged. Damage to extensive areas that could contain nests/breeding birds should be undertaken outside the breeding season. This season is usually taken to be the period between 1st March and 31st August but some species are known to breed outside these limits.