

<b>Date of Meeting</b>	<b>3 September 2014</b>
<b>Application Number</b>	<b>14/01962/VAR</b>
<b>Site Address</b>	<b>Land West Of Norrington Lane, Broughton Gifford, Norrington Common SN12 8LR</b>
<b>Proposal</b>	<b>Minor material amendment to planning permission W/12/02072/FUL to facilitate CCTV and revised access track</b>
<b>Applicant</b>	<b>ESCO NRG</b>
<b>Town/Parish Council</b>	<b>BROUGHTON GIFFORD</b>
<b>Ward</b>	<b>MELKSHAM WITHOUT NORTH</b>
<b>Grid Ref</b>	<b>387726 164840</b>
<b>Type of application</b>	<b>Full Planning</b>
<b>Case Officer</b>	<b>James Taylor</b>

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

Councillor Terry Chivers has requested that this application be determined by Members should officers be supportive of it and to allow Members to consider the following key issues:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Design - bulk, height, general appearance
- Environmental or highway impact; and,
- The lack of conditions put on the original application and the issues we have had on site.

### **1. Purpose of Report**

The purpose of this report is to consider the merits of the application and to explain the rationale for officers recommending approval.

### **2. Report Summary**

The key planning issues are considered to be:

- Principle of Development
- Potential contribution to reducing climate change and sustainable development objectives
- Impact on the Landscape of the Open Countryside
- Impact on Public Rights of Way
- Impact on Highway Safety
- Impact on Ecological Interests

- Impact on Archaeological Interests
- Impact on agricultural land and surface water flooding
- Impact on Heritage Assets
- Conditions

The following report outlines the relevant material considerations, the results of the consultation process, an officer's assessment of the planning merits and concludes by recommending that the application should be approved. This conclusion is reached on the basis that the proposals would make a significant and highly valued contribution towards Wiltshire's renewable energy targets. Although the site is located within the open countryside it has to be acknowledged that to provide the scale of renewable energy necessary to meet climate change targets that this type of development needs to be located in rural and semi-rural areas.

The more significant level of public response to this variation application compared to the original application is noted and should be afforded some weight. However due cognizance must be given to the fact that planning permission was granted in June 2013 for the installation of a solar photovoltaic (PV) farm covering 22.1 hectares with associated cable trenches, electrical connection buildings and improvements to the existing access; and that is a very significant material consideration.

The development has been virtually completed and this application seeks to make relatively minor (albeit material) alterations to the original approval. Officers submit that the alterations would not result in any significant material harm in planning terms above and beyond the extant approval when considered singularly or cumulatively with more recent large-scale solar PV schemes in the vicinity.

### **3. Site Description**

The application site, until the recent implementation of planning approval W/12/02072/FUL, was agricultural fields. In total there were 4 fields with mature field margins and drainage ditches on the periphery. More recently though with the partial implementation of the aforementioned planning approval, the 4-field site has taken on a different character formed by the solar panel arrays and associated development such as invertors and fencing whilst retaining the same mature field margins.

It is important to stress again that the site is not subject to any special landscape designations.

Access is to the east of the main development area onto Norrington Lane – which is a single width county lane bounded by high hedgerows. The access point to the public highway was originally via a farm access, however this has been altered (as previously approved) to facilitate the implementation of W/12/02072/FUL.

The application site has a dense network of public rights of way, some of which have been diverted following the implementation of W/12/02072/FUL.

To the south of the application site is Broughton Gifford Common and the associated designated Conservation Area. There are also a number of listed buildings within the designated conservation area including the Grade II\* listed Gifford Hall. The south east field is a designated scheduled monument record (SMR). There are isolated rural dwellings adjacent to the site to the east, next to the electricity station and residential

property around The Common to the south of the application site. There is also an area of high ecological value to the east of the application site.

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

W/12/02072/FUL - Installation of solar photovoltaic (PV) arrays and frames covering 22.1 hectares including associated cable trenches, electrical connection buildings and improvements to existing access – Permission on 25.06.2013

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

This is a minor material amendment application seeking to vary the original planning approval for the installation of solar photovoltaic (PV) arrays and frames covering 22.1 hectares including associated cable trenches, electrical connection buildings and improvements to existing access to finally include:

- Installation of 72 CCTV cameras;
- Amendments to access to allow separation from SSE electricity pole;
- Extension to permanent track way to allow year round maintenance access;
- Arrays to have 1 leg instead of 2 and 0.73 metres lower in height;
- Arrays to be 2x landscape rather than 5x portrait and closer together;
- Alterations to on-site substation detail including reduction in area by circa 22sqm and height by circa 0.5 metres;
- Alterations to DNO substation so circa 15sqm smaller but approximately 0.73 metres higher;
- Reduction in number and height of inverter houses to allow 8 (rather than 13) and circa 0.5 metres lower in height;
- Fencing changed from deer proof fencing to standard metal security fencing with a tighter mesh and 0.4 metres lower in height; and
- Revised landscaping detail to reflect alterations above.

It is understood that works are largely complete and the development has been producing renewable energy for a number of months.

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

##### West Wiltshire District Plan - 1st Alteration 2004 (Saved policies)

- C1: Countryside Protection; C6a: Landscape Features; C17: Conservation Areas; C31a: Design; C32: Landscape; C34: Renewable Energy; C35: Light Pollution; C38: Nuisance; U2: Surface Water Disposal; T12: Footpaths and Bridleways

##### West Wiltshire Leisure & Recreation DPD (2009)

- CR1: Footpaths and Rights of Way

##### The Emerging Wiltshire Core Strategy

- SO2: Addressing Climate Change; SO5: Protecting and Enhancing the Natural, Historic and Built Environment; CP3: Infrastructure requirements; CP42: Standalone Renewable Energy Installations; CP50: Biodiversity and Geodiversity; CP57: Landscape; CP58: Ensuring the conservation of the historic environment; CP62: Development Impacts on the Transport Network; CP67: Flood Risk

##### National Planning Policy Framework 2012 (NPPF) and Planning Practice Guidance

(PPG)

## **7. Consultations**

Broughton Gifford Parish Council: No objection.

Melksham Without Parish Council: No objection, although concern raised over access.

English Heritage: Raised areas of concern regarding the setting of the conservation area and Grade II\* listed building and the adequacy of information. EH concludes by urging that their concerns be addressed and that the “*application be determined in accordance with national and local policy guidance*”.

Wiltshire Council's Conservation Officer: No comments and did not object to original scheme.

Environment Agency: No comments received. Note that they raised no objection to original scheme

Natural England: No comments received. Note that they raised no objection to original scheme.

Wiltshire and Swindon's Biological Records Centre: Great crested newt and bat species recorded nearby.

Wiltshire Council's Archaeology: No comments received. Note that they raised no objection to original scheme.

Wiltshire Council's Climate Change Officer: No comments received. Note that they raised no objection to original scheme.

Wiltshire Council's Ecology: No objection. Note that they raised no objection to original scheme.

Wiltshire Council's Environmental Health: No objection.

Wiltshire Council's Highways: No objection.

Wiltshire Council's Landscape Officer: No objection. Would prefer not to have seen the addition of CCTV or changes to fencing but there no major landscaping concerns.

Wiltshire Council's Rights of Way: No comments received. Note that they raised no objection to original scheme.

Wiltshire Council's Tree Officer: No comments received. Note that they raised no objection to original scheme.

## **8. Publicity**

This application was advertised by means of press notice, site notices and neighbour notification letters.

35 letters of objection have been received and the issues raised may be summarised as follows:

- Revised track will impact on amenity through noise;
- Such a large number of CCTV cameras – where will they be and how will privacy be protected.

- Further industrialisation of the site there are already too many electricity pylons
- Loss of privacy from CCTV
- Has the need to safeguard the countryside been taken into account?
- Planting along the track to protect privacy.
- Developer has disregarded / flouted terms and conditions on earlier application.
- Why were these requirements not known about and applied for originally?
- Disruption during construction has been hugely significant and some activity has been unlawful.
- Significant damage to the highway verges, adjacent drainage ditches and common land
- Inadequate notification and consultation
- Harm to the setting of heritage assets including the Grade II\* Gifford Hall and adjacent conservation area
- Landscape sensitivity and impact
- Cumulative landscape impact
- How is 25 years temporary – a housing development has probably been planned for 10 years time.
- Further landscaping required
- The first application should never have been allowed – this is a further impingement on the conservation area and the outlook of Gifford Hall
- Government guidance is to not use Greenfield sites for solar
- Do not understand how this is a minor amendment
- Noise from the inverters is a nuisance
- Harm to footpath amenity
- The reputation of solar power has been harmed by the developers lack of consideration and responsibility
- Cumulative impact with other solar development in the vicinity.

## **9. Planning Considerations**

### **9.1 Principle of Development**

Planning permission has been granted for the installation of solar photovoltaic (PV) arrays and frames covering 22.1 hectares including associated cable trenches, electrical connection buildings and improvements to existing access. This sets the principle for such development on the site.

The development is on-going although substantially completed with the production of renewable energy having been occurring for several months. The initial construction took place without compliance to the original planning conditions. It was a very intensive development and caused significant local concern with the damage to the local roads and nuisance to local residents. However this is not material to the determination of this application. The detailed material considerations are the potential impact on planning interests from the proposed modifications.

### **9.2 Potential contribution to reducing climate change and sustainable development objectives**

The modifications proposed would continue to contribute to ambitious targets to cut greenhouse gas emissions and accord with the economic, social and environmental dimensions of sustainable development.

### 9.3 Impact on the landscape of the Open Countryside

The proposed changes to the access are nominal and divert the route around a SEE electricity pole only. The resultant route is nominally different and no closer to residential properties than the original route. The proposal to extend the permanent track into the site would have a further urbanising effect over the existing but the impact would be only noted from the rights of way. Indeed the alterations to the fencing details, introduction of CCTV beyond the perimeter fencing and alterations to structures would only be noted in the immediate landscape setting viewed from rights of way. The landscaping scheme has been modified nominally to reflect these relatively minor alterations to the scheme.

In short, there would be some nominal apparent changes in terms of the immediate landscape context, but these would not cause significant harm over the extant approval. The introduction of CCTV and alternative fencing is regrettable and had been discouraged in the original discussions with the developer. However both have proven to be a necessity for the scheme to obtain adequate insurance cover, hence the reason this application has been submitted. These alterations can be balanced with the reduction in inverter buildings and the reductions in scale and heights that are being offered following more detailed design work. The CCTV camera numbers have been kept to a minimum based on a pole height of 2 metres. If the overall number of cameras is to be reduced then the height of the poles would have to be increased and that is not desirable. Officers submit that the applicants have taken the most reasonable balance between height of cameras and the numbers of cameras given that CCTV is an insurance requirement.

Wider impacts would be negligible and the amendments would not affect the potential cumulative impact of this scheme with other developments in the area over and above the extant approval. In part this is because the overall height of the cameras has been kept no higher than the height of the development already approved.

The landscape officer shares the disappointment of your planning officers with the introduction of CCTV cameras and alternative fencing, however they consider that overall the proposed changes to the development will not cause any significant change to the original findings of the landscape and visual appraisal submitted with the application, therefore no additional mitigation is required for landscape and visual effects as a result of these amendments and therefore they have no major concerns about landscape issues. They have queried the need for CCTV cameras and the number but this is now an insurance necessity and the right balance between the pole height and the number of cameras has been made.

### 9.4 Impact on Public Rights of Way

Over and above the extant approval, the rights of way and their routes are unchanged.

The experience of those using the rights of way would be little altered over and above the extant scheme. The 72 proposed CCTV cameras are likely to pick up the movement of some users of the rights of way and as such monitor and record them. The cameras are only operational when triggered by a sensor and they have been positioned inside the security fencing atop of a circa 2 metres high pole to monitor along the edges of the security fencing only. The number has been kept to a minimum

(when they are 2 metres high) reflecting the distance that each camera can monitor and the perimeter of the security fencing. The number of CCTV camera's is increased by virtue of the fact that rights of way continue to dissect the site – if it were not for that the developer would have not needed to put cameras within the site's interior.

It is assessed that the CCTV cameras have been kept to a minimum and are not designed to monitor the rights of way – rather they are to maintain the security of the site and would not harm the rights of way interest. The cameras would not monitor beyond the existing boundary hedging. They are clearly designed for the protection of the site which contains valuable equipment in an isolated location that is publically open due to the rights of way through the site.

#### 9.5 Impact on Highway Safety

The proposals would have no impact over and above the extant scheme in terms of highway safety and the highway officer raises no objection. It is acknowledged that the initial construction phase has caused harm to the highway but this is a matter beyond the scope of this application. There have been breaches in planning conditions but this is again beyond the scope of this application.

#### 9.6 Impact on Ecological Interests

The Council's ecologist has raised no objection to the revisions and it is assessed that they would have no impact on ecological interests.

#### 9.7 Impact on Archaeological Interests

The alterations detailed would not affect the archaeological area of interest on the site. The area that has no or limited archaeological interests would be less disturbed with the reduction in the number of legs on the arrays.

#### 9.8 Impact on agricultural land and surface water flooding

The modifications would have no impact on the ability to use the site for grazing.

The surface water management would continue to be aided by the use of swales. The reduction in the number of inverter buildings and the reduction in the size of inverter buildings and substations mean that the swales previously agreed would now actually be a modest over provision for the site's surface water management.

#### 9.9 Impact on Heritage Assets

It was previously assessed that the impact on views from Broughton Gifford Conservation Area would be very limited. This is as a result of distance, topography and woodland. Any views would be restricted to private views. As such the impacts on the Conservation Area are negligible, and its character and appearance would be preserved.

It was also previously assessed that there were 2 listed buildings whose settings could be affected - Gifford Hall and The Hayes. It was assessed that "*Gifford Hall is visible from the site in long distance views, and long distance oblique views of the PV arrays*

*will be visible from upper floor rooms of the property. However, the distance (300m) of the property from the site and the intervening landscape would ensure that the setting of the listed building would not be harmed as a result of the landscape. At the Hayes upper floor south facing windows would have views of the development. The distance of the 550m would ensure that any impact on the setting of the building would be so small as not to be significant.”*

The proposed alterations for which consent is now sought, would not impact further on these heritage assets over and above the extant approval as, in the case of the CCTV cameras they would be viewed within the context of other similar development which either creates a backdrop of development or obscures it from view. Other development is reduced in number and some balance must be applied when considering the changes in character between the different fencing types and the form of development nominally increased in scale. It is assessed that the amendments would cause no detrimental impact to the setting of these heritage assets, nor would there be any enhancement, in the context of the extant approval. It is acknowledged that the heritage assets are afforded statutory protection and considerable weight is attributed to that.

Officers appreciate that there is a strong presumption in favour of preserving heritage assets. However the proposed variations (which are the subject of this application) would not affect the heritage assets and so considerable weight cannot be attached to a neutral impact and the proposal would preserve the heritage asset in the context of the planning history.

English Heritage considers that the character and setting of the heritage assets at this point is one of a rural, open character. It was acknowledged that the countryside in the application site would be altered in character but the impact on the countryside was outweighed by the benefit of providing renewable energy. There has been no information presented to change this conclusion which is a judgment for the local planning authority giving considerable weight to the statutory protection afforded to the setting of heritage assets. Save for views from the upper floors of some listed properties, the development is not visible from the heritage assets in the area.

The information provided is clear that the 72 CCTV cameras would be fitted on top of 2 metre high poles behind security fencing and viewed against development either in the foreground and/or the background. The changes to the fencing are regrettable in terms of character but are in terms of overall height, positive. The extension of the maintenance access track into the site, given the topography and landscaping of the area would have no impact beyond the immediate environment of the rights of way. The other alterations are very minor in scale given the overall development, some nominally intensifying development in places and some reducing development elsewhere. As such no significant intensification of “industrial paraphernalia” to impact on the heritage assets would occur. The information provided is considered adequate to assess the potential impact on what are relatively distant heritage assets compared to the relatively minor modifications being sought under this application.

#### 9.10 Conditions

It is necessary to consider the original conditions imposed on the basis that the Council would, if it approved this application, create a fresh permission. The original conditions



have therefore been revisited and omitted and amended as appropriate to the stage of construction.

In addition, it is necessary to consider if further conditions are necessary in light of the amendments proposed. In the interests of preserving privacy, a condition to restrict the CCTV cameras in number and to ensure that they are static has been considered. However on balance this is not considered necessary as the number of cameras is detailed on the approved plans and whether the camera is static or can move makes little difference to the merits of them.

In line with good practice, the conditions have been discussed with the agent prior to making this recommendation; and Members are advised that the agent is in agreement with the suggested conditions set out below.

## **10. Conclusion**

Officers submit that the solar installation would make a significant and highly valued contribution towards Wiltshire's renewable energy targets. Although the site is located within the open countryside it has to be acknowledged that to provide the scale of renewable energy necessary to meet climate change targets that this type of development needs to be located in rural and semi-rural areas.

The more significant level of public response to this variation application compared to the original application is noted and should be afforded some weight. However planning permission for the installation of solar photovoltaic (PV) arrays and frames covering 22.1 hectares including associated cable trenches, electrical connection buildings and improvements to existing access was granted in June 2013 and that is a very significant material consideration. The development has been virtually completed and this application seeks to make relatively minor alterations to the original approval. It is assessed that the alterations would not result in any significant material harm in planning terms above and beyond the extant approval when considered singularly or cumulatively with more recent large- scale solar PV schemes in the vicinity; and as such, it is recommended favorably.

**RECOMMENDATION:** Approve subject to conditions.

1. The development hereby approved shall be discontinued and the land restored to its former condition on or before 31 December 2039 in accordance with the hereby approved Decommissioning Plan approved under W/12/02072/FUL; unless before that date planning permission has been sought and granted for the retention of these structures for an extended period of time.

REASON: In the interests of amenity and the circumstances of the use; and in the interests of consistency with W/12/02072/FUL.

2. In the event that the development ceases to be operational for the generation of energy before the end of the period defined in condition 2 then all associated development on, under or above the application site shall be removed from the site and the land returned to its former condition in accordance with the hereby approved Decommissioning Plan approved under W/12/02072/FUL, within six months of the cessation of the generation of energy from the site.

REASON: In the interests of amenity and the circumstances of the use; and in the interests of consistency with W/12/02072/FUL.

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the hereby approved plans:

Drawing: 1295/2575 (Revision V5) - Location Plan  
Drawing: 1295/2576 (Revision V2) - Existing Site Plan;  
Drawing: 1285/2580 (Revision V1) - Topographic Survey;  
Drawing: 1295/2635 (Revision V1.1) - Existing Access Arrangements;  
Drawing: 1295/2636 (Revision V1.1) - Construction Phase Access Arrangements;  
Drawing: 1295/2627 (Revision V1.1) - Operational Phase Access Arrangements;  
Drawing: 1295/2588 (Revision V3) - Proposed new access cross-section;  
Drawing: 1295/2559 (Revision V3) - Footpath Site Plan;  
Drawing: 1295/2585 (Revision V1) - Indicative interpretation board specification details; Drawing: Track detail 1  
Drawing: 1429 2829 (Revision V1) - As built site plan  
Drawing: HESR Frame 3 - Inverter elevations  
Drawing: SR 18 - Fence details  
Drawing: 1506410 - Substation elevations  
Drawing: Structure details - ground fixed array cross sections  
Drawing: 001-9-5575 sheet 1 - Substation General Arrangement  
Drawing: 1429 2833 (Revision V1) - CCTV visibility Splays  
Drawing: 1429/2884 (revision V2) – Cross Section Plan

REASON: To define the terms of this permission; and in the interests of consistency with W/12/02072/FUL.

4. Development shall be completed in accordance with the Construction Traffic Management Strategy as approved under W/12/02072/FUL. Any deviation from the approved Strategy shall require the written approval of the local planning authority.

REASON: To secure adequate control of lorry movements on Norrington Lane; and in the interests of consistency with W/12/02072/FUL.

5. Within 3 months of the granting of this approval an updated a Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to the Local Planning Authority. Within a further 3 months the final plan shall be agreed and approved in writing by the Local Planning Authority. The development shall be maintained in accordance with the approved details for the lifetime of the development.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and new landscape features and to ensure the maintenance of screening to the site and to protect the appearance and character of the area; and in the interests of consistency with W/12/02072/FUL.

6. Within 3 months of the granting of this approval an updated Habitat and Ecological Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all areas submitted to the Local Planning Authority. Within a further 3 months the final plan shall be agreed and

approved in writing by the Local Planning Authority. The development shall be maintained in accordance with the approved details for the lifetime of the development.

REASON: In order to conserve and enhance wildlife and its habitat; and in the interests of consistency with W/12/02072/FUL.

7. Development shall be completed in accordance with the Tree Protection Plan approved under W/12/02072/FUL.

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

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

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

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

(In this condition 'retained tree' means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs above shall have effect until the expiration of five years from the completion of the development.)

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity; and in the interests of consistency with W/12/02072/FUL.

8. Within 3 months of the granting of this approval an updated scheme of soft landscaping shall be submitted to the Local Planning Authority, the details of which shall include:-

- indications of all existing trees and hedgerows on the land;
- details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting plan that includes all species, planting sizes and planting densities,
- spread of all trees and hedgerows within or overhanging the site, in relation to the proposals and other works;
- proposed and existing functional services above and below ground (e.g. drainage, power, communications, cables, pipelines etc indicating lines, manholes, supports etc);

Within a further 3 months the final plan shall be agreed and approved in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features; and in the interests of consistency with W/12/02072/FUL.

9. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the harnessing of energy from the development. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the harnessing of energy from 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 in the interests of consistency with W/12/02072/FUL.

10. Development shall be completed in accordance with the Flood Risk Assessment and management plan approved under W/12/02072/FUL.

REASON: To minimise flood risk by ensuring the satisfactory management of surface water from the site through its lifetime; and in the interests of consistency with W/12/02072/FUL.

11. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details and removed in accordance with conditions 1 and 2 above.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development; and in the interests of consistency with W/12/02072/FUL.

**Item 2 - 14/01962/VAR - Land West Of Norrington Lane Broughton Gifford**

