Wiltshire Council

The Town and Country Planning Act 1990

Approval of Full Planning Permission with Conditions

Application Reference Number: PL/2023/10233

Decision Date: 23 May 2024

Applicant:	Ark Data Centres Ltd Spring Park, Westwells Road, Corsham, SN13 9GB
Particulars of Development:	Erection of a new data centre and plant, vehicle access, parking and highway works, enclosures, landscaping, drainage and attenuation features and other associated works and infrastructure'
At:	Hawthorn Works and Former SQ2 Factory Building, Spring Park, Westwells Road, Corsham, SN13 9RD

In pursuance of its powers under the above Act, the Council hereby **GRANT PLANNING PERMISSION** for the above development to be carried out in accordance with the application and plans submitted (listed below).

In accordance with paragraph 38 of the National Planning Policy Framework, Wiltshire Council has worked proactively to secure this development to improve the economic, social and environmental conditions of the area.

Subject to the following conditions:

Limits 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 floorspace created on this site shall be used for data storage and processing (together with any ancillary uses) only and for no other purpose, including any other uses that may fall within class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.

REASON: For clarity and the avoidance of doubt and because of the location of the development and particular nature and conclusions of the transport assessment undertaken.

Construction

3. Development and the construction phase shall be carried out in complete accordance with the Arboricultural Impact Assessment prepared by Waterman Infrastructure & Environment Limited, dated October 2023 (document reference WIE19792-110-R-1-2-1-AIA).

REASON: In the interests of protecting the existing trees/hedges/shrubs on the site.

4. The building works required to implement this development shall only be carried out between the hours of 08:00 to 18:00 on Monday to Friday and 08:00 to 12:30 on Saturdays, and not at all on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

5. No construction vehicles may arrive or depart, be loaded or unloaded at or from the site outside the hours of 08:00 to 18:00 Mondays to Fridays, and outside the hours of 08:00 and 12:30 on Saturdays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity.

6. Prior to the commencement of any demolition works or development on the site, a Construction Method Statement and Environmental Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide details of the avoidance, mitigation and protective measures to be implemented before and during the demolition phase, including but not necessarily limited to, the following:

   a) the parking of vehicles of site operatives and visitors;
   b) storage of plant and materials used in constructing the development;
   c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
   d) wheel washing facilities;
   e) measures to control noise and the emission of dust and dirt during demolition and construction so as to protect the amenity of surrounding residential occupiers;
   f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
   g) measures for the protection of the natural environment and details of the arrangements to be made for the drainage during the construction phase.

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

REASON: In the interests of residential amenity.

7. No development shall commence on site (excluding demolition works), until a Construction Method Statement, which shall include the following:

   a) the parking of vehicles of site operatives and visitors;
   b) loading and unloading of plant and materials;
   c) storage of plant and materials used in constructing the development;
   d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
   e) wheel washing facilities;
   f) measures to control the emission of dust and dirt during construction;
   g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
   h) measures for the protection of the natural environment and details of the arrangements to be made for the drainage during the construction phase; and
   i) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be complied with in full throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement.

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.

Noise

8. The development and all operation of the data centre shall be carried out in accordance with the specifications and attenuation recommendations contained within the submitted Acoustic Assessment (prepared by Sweco UK Ltd, document reference: 65204515-002-SWE-ZZ-XX-T-U-0001 revision C02, dated 16/11/23).

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

9. In accordance with the details hereby approved, all fixed and mobile plant to be installed on the site shall be enclosed. Any changes to the development which include proposals for external plant to be provided without enclosure shall be the subject of a separate planning application.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

10. During normal operational conditions, all plant (including generation plant, air conditioning units, extraction systems or other air handling plant etc.) shall be so sited and designed in order to achieve a Rating Level (BS4142:2014) of at least 5dB below the background noise level (LA90T) determined at the nearest noise sensitive receptor, when the plant is intended to operate.

    At the request of the Local Planning Authority (LPA), the plant operator shall, at their own expense, employ a suitably competent and qualified person to measure and assess, whether noise from the plant meets the specified level. The assessment shall be commenced within 21 days of the notification, or such longer time as approved by the LPA. The consultant should use BS4142:2014 methodology to carry out the assessment and provide further details on the generators expected frequency of use and duration.

    Good internal standards set out in BS8233:2014 and WHO will need to be achieved at the nearest sensitive receptors.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

Drainage

11. Other than where agreed as part of discharging condition 12 to this planning permission, the development shall be carried out in accordance with the drainage strategy set out within the submitted Flood Risk Assessment & Drainage Strategy document (prepared by Waterman, dated October 2023, document reference 19792-WAT-R-1-2-3-FRADS), including all arrangement for its future maintenance and management.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

12. No development (with the exception of demolition) shall take place until the following has been submitted to and agreed in writing by the Local Planning Authority:

    a) MicroDrainage calculations showing simulations of the whole network for all storm events from the 1 in 1 year storm event up to the 1 in 100 year + climate change storm event. These should demonstrate no flooding in the 1 in 30 year storm event, and no flood risk to buildings and/or utility plant in the 1 in 100 year + climate change storm event, shall have been submitted to and agreed n writing by the local planning authority.
    b) Within the calculations, the MADD factor must be set to zero and the margin for "flood risk" warning in hydraulic models been set to >= 300mm.
    c) If a value other than 0m3/ha is selected for the MADD value, the applicant will need to provide quantitative evidence to demonstrate that this is appropriate. Evidence that that urban creep been accounted for the hydraulic calculations in line with LASOO guidance. Evidence that the applicant has undertaken a sensitivity analysis on the network considering surcharged outfall conditions to ensure that any flooding resulting from a surcharged outfall will not affect people or property.
    d) A drainage layout showing manhole and pipe numbers corresponding to the MicroDrainage calculations.
    e) A manhole / inspection chamber schedule to include cover and invert levels.
    f) A plan showing the cross sections and design of any attenuation pond and its components.
    g) Measures to prevent pollution of the receiving groundwater and/or surface waters.
    h) A plan of overland flow directions for extreme events has to be provided.

    The development shall be carried out in accordance with the details and recommendations so agreed.

REASON: To comply with Core Policy 67: Flood Risk within the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained without increasing flood risk to others.

13. No development shall commence on site until the arrangements for drainage across the site during construction have been submitted to and agreed in witing by the local planning authority. The arrangements shall include measures to retain, the existing vegetation across the site. The construction phase shall be carried out in accordance with the details so agreed.

REASON: In order to ensure that surface water quality and quantity is managed throughout construction and as not to increase flood risk, or pollution of water courses in accordance with national and local policy.

<u>Ecology and landscaping</u>

14. The development hereby approved shall be carried out in strict accordance with:

    - Landscape Planting Plan, No: 19792-WAT-ELS-XX-DR-L-743000, Rev: P08, Date: 09/04/24 by Waterman
    - Arboricultural Impact Assessment, No: WIE19792-110-R-1-2-1-AIA, April 2024 by Waterman
    - External Lighting Report, BSD14810-WBS-ZZ-ZZ-RP-E-63001, Rev: P02, Date: 16/10/23 by Waterman
    - Acoustic Assessment, 65204515-002-SWE-ZZ-XX-T-U-000, Rev: C02, Date: 16.11.23 by Sweco

    The installation of the biodiversity mitigation 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 adequate protection and mitigation for protected species.

15. Prior to the commencement of development, 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
b) details of physical means of protection, e.g. exclusion fencing.
c) Working method statements for protected/priority species, such as nesting birds and reptiles.
d) Mitigation strategies already agreed with the local planning authority prior to determination,
e) such as for great crested newts, dormice or bats; this should comprise the pre-construction/construction related elements of strategies only.
f) Details and locations of any temporary construction lighting required.
g) Work schedules for activities with specific timing requirements in order to avoid/reduce
h) potential harm to ecological receptors; including details of when a licensed ecologist and/or
i) ecological clerk of works (ECoW) shall be present on site.
j) Key personnel, responsibilities and contact details (including Site Manager and
k) ecologist/ECoW).
l) Timeframe for provision of compliance report to the local planning authority; to be completed
m) 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.

16. All lighting shall be installed and maintained in accordance with the approved details as set out the External Lighting Report, BSD14810-WBS-ZZ-ZZ-RP-E-63001, Rev: P02, Date: 16/10/23 by Waterman and no other lighting shall 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 ensure the boundary features to the west and south are maintained as dark corridors for bats.

17. Prior to any demolition works or development taking place, 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. The LEMP will provide 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.

18. 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 building(s) or the completion of the development whichever is the sooner; 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.

19. At no time during the construction phase shall there be any working outside of daylight hours which results in vehicle movements, people or machinery being used on the site.

REASON: The introduction of artificial light/noise disturbance may mean that qualifying bat species are disturbed and/or discouraged from using established flyways or foraging areas. Such disturbance will constitute an offence under relevant wildlife legislation.

Highways

20. The development hereby permitted shall not be first brought into use until the whole of the parking area/turning areas for the accesses off Rowan Lane have been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

21. The development hereby permitted shall not be first brought into use until at least the first 5m of the Firing Range access, measured from the Rowan Lane edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety.

22. No part of the development shall be first brought into use, until the visibility splays shown on the approved plans for the Firing Range access have been provided with no obstruction to visibility at or above a height of 600mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

23. No development (with the exception of demolition works) shall commence on site until details of the stopping up of all existing accesses onto Rowan Lane, both pedestrian and vehicular, have been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development. No later than one month after the first occupation of the development, the sole means of vehicular and pedestrian access to the development shall be as shown on the plans hereby approved.

REASON: In the interests of highway safety.

24. No development (with the exception of demolition works) shall commence on site until details of the stopping up of the existing vehicular accesses on Westwells Road (located approximately 60 metres north-west of the Rowan Lane junction) and the reinstatement of full height kerbs have

been submitted to and approved in writing by the Local Planning Authority. That stopping up shall take place in accordance with the approved details within one month of the first occupation of the development and shall remain in that condition thereafter.

REASON: In the interests of highway safety.

25. The submitted Travel Plan Statement (within the Transport Assessment dated June 2023) shall be implemented on first occupation of the development hereby granted planning permission and shall remain in operation thereafter.

REASON: In the interests of promoting sustainable patterns of travel to and from the development.

Fencing, bunding and external storage

26. Prior to its creation and installation, full and complete details of all earth bunding and security/site fencing to be created and installed at the site and, in particular, its relationship to the frontages to Rowan Lane and Westwells Road, shall have been submitted to and agreed in writing by the Local Planning Authority. Any bunding and fencing shall be created and installed in complete accordance with the details so agreed.

REASON: In the absence of details submitted within the application, so as to ensure the bunding and fencing and its relationship to the Rowan Lane and Westwells Road frontage takes an appropriate form.

27. No materials, goods, machinery, finished or unfinished products/parts of any description, skips, crates, containers, waste, or waste products shall be placed, stacked, deposited or stored on any area of the site outside the buildings, unless otherwise agreed in writing by the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: In the interests of visual amenity and views across the site in this prominent junction location.

External cladding

28. Prior to its installation, the details of the external cladding for the walls shall have been submitted to and agreed in writing by the Local Planning Authority. The cladding shall be installed in complete accordance with the agreed details.

REASON: So as to ensure the development is of an appropriate appearance.

Approved plans

29. The development hereby permitted shall be carried out in accordance with the following approved plans listed in the schedule below:

Site Location Plan	22092 PL-1000 05
Proposed Master Plan	22092 PL-1002 04
Existing Site Plan	22092 PL-1004 05
Proposed Site Plan	22092 PL-1005 04
Proposed Hard & Soft Landscaping Plan	22092 PL-1006 04
Proposed Compare & Contrast Plan	22092 PL-1007 02
Existing Factory Unit Ground Floor GA Plan Proposed for Demolition	22092 PL-1010 03

Existing Office and Factory Unit Ground Floor GA Plan Proposed for Demolition	22092 PL-1012 03
Existing Office and Factory Unit Elevations Proposed for Demolition	22092 PL-1013 03
Proposed GA Plan Level 0	22092 PL-2010 03
Proposed GA Plan Level 1	22092 PL-2011 03
Proposed GA Plan Level 2	22092 PL-2012 03
Proposed GA Plan Level 3	22092 PL-2013 03
Proposed GA Plan Level 4	22092 PL-2014 03
Water Treatment Plant Plan	22092 PL-2020 03
Proposed Data Centre - Elevations -Sheet 1	22092 PL-2030
Proposed Data Centre - Elevations -Sheet 2	22092 PL-2031
Water Treatment Plant Section & Elevations	22092 PL-2035 03
Proposed Street Elevation	22092 PL-3000 03
Proposed Site Sections	22092 PL-3010 03
Landscape Planting Plan	19792-WAT-ELS-XX-DR-L-743000 P08
Design and Access Statement	November 2023 -
Ecological Impact Assessment	TG Report No. 15116_R10c_AM
Shadow Habitats Regulations Assessment	TG Report No. 15116_R012_TLR
External Lighting Report - October 2023	BSD14810-WBS-ZZ-ZZ-RP-E-63001 Rev P02
Arboricultural Impact Assessment - April 2024	WIE19792-110-R-1-3-2-AIA
Preliminary Risk Assessment - October 2023	WIE19792-108-R-1-2-1-PRA
Flood Risk Assessment & Drainage Strategy- October 2023	WAT19792 19792-WAT-R-1-2-3-FRADS
Acoustic Assessment	65204515-002-SWE-ZZ-XX-T-U-0001 Rev C02
Transport Assessment - October 2023	IMA-23-021
BREEAM Pre-assessment report - October 2023	2020-B06-P5Op-PAR-01
Focus ED Letter	Date 11th October 2023
Sustainability Statement (incorporating Sustainable Energy Strategy) - September 2023	Version 1.4
Planning Statement -	November 2023
Ark Waste Strategy	14049-S-Waste Strategy
Statement of Community Involvement	November 2023

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

INFORMATIVES:

- The works to secure the stopping up of the access onto Westwells Road with the reinstatement of full height kerbing, verge and footway will need to be subject to a S278 Agreement permit, with detailed drawings being submitted and approved by the LHA.

- The works to stop up the existing, and to form the new, accesses onto Rowan Lane will need to be approved by the Public Rights of Way Team as the route of Rowan Lane forms part of the Public Rights of Way network.

- The proposal includes alteration to the public highway, consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a license may be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact the vehicle access team on telephone 01225 713352 or email vehicleaccess@wiltshire.gov.uk for further details.

- There is a low risk that bats may occur at the development site. Bats are a transient species and therefore move around; many species of bat depend on buildings for roosting, with each having its own preferred type of roost. Most species roost in crevices such as under ridge tiles, behind roofing felt or in cavity walls and are therefore not often seen in the roof space. Bat roosts are protected all times by the Conservation of Habitats and Species Regulations 2017 (as amended) even when bats are temporarily absent because, being creatures of habit, they usually return to the same roost site every year. Planning permission for development does not provide a defence against prosecution under this legislation or substitute for the need to obtain a bat licence if an offence is likely. If bats or evidence of bats is found during the works, the applicant is advised to stop work and follow advice from an independent ecologist or to contact the Bat Advice Service on 0845 1300 228**,** email enquiries@bats.org.uk or visit the Bat Conservation Trust website.

- The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website: www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/communityinfrastructurelevy.

- In respect of conditions 11, 12 and 13, the surface water drainage strategy should include/demonstrate the following:

  - Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.
  - An ordinary watercourse is a watercourse that does not form part of a main river. The term watercourse includes all rivers and streams and all ditches, drains, cuts, culverts, dikes, sluices, sewers (other than public sewers within the meaning of the Water Industry Act 1991) and passages, through which water flows.
  - Wiltshire Council's land drainage bylaws can be downloaded here. The land drainage consent application form and guidance notes can be found on our website here.

- When discharging condition 28 to this decision, the applicant is asked to note the conclusions and requests of Wiltshire Council's Northern Area Planning Committee that the external cladding uses a graduated colouration.

Parvis Khansari **- Corporate Director, Place**

NOTES

1 **Other Necessary Consents.** This document only conveys permission for the proposed development under Part III of the Town and Country Planning Act 1990 and the applicant must also comply with all the byelaws, regulations and statutory provisions in force in the area and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

1.1 the need in appropriate cases to obtain approval under Building Regulations. **(The Building Regulations may be applicable to this proposal. Please contact the Council's Building Control team before considering work on site);**

1.2 the need to obtain an appropriate order if the proposal involves the stopping up or diversion of a public right of way or other highway (including highway verge);

1.3 the need to obtain a separate "Listed Building Consent" to the demolition, alteration or extension of any listed building of architectural or historic interest;

1.4 the need to make any appropriate arrangements under the Highways Act 1980, in respect of any works within the limits of a highway. The address of the Highway Authority is County Hall, Trowbridge, BA14 8JD (It is the responsibility of the applicant to ascertain whether the proposed development affects any listed building or public right of way / other highway, including highway verge).

2 **Appeals.** If the applicant is aggrieved by the decision of the local planning authority to grant permission subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with Section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this decision. (Information and forms relating to the appeals process can be found at the Planning Portal - http://www.planningportal.gov.uk/planning/appeals).

3 **Climate Change.** Wiltshire Council acknowledges the climate emergency and is seeking to make the county carbon neutral. You are encouraged to include energy efficiency that exceeds building regulations and to meet residual energy demand through renewable energy and low-carbon technologies, including high levels of electric vehicle charging points. The developer is encouraged to contact the climate team to discuss this further. climate@wiltshire.gov.uk

4 **CIL.** The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. A separate Community Infrastructure Levy Liability Notice will be issued by the Local Planning Authority. Should you require further information with regards to

CIL please refer to the Council's Website
www.wiltshire.gov.uk/planninganddevelopment/planningpolicy