MINUTES OF THE NORTHERN AREA PLANNING COMMITTEE MEETING HELD ON 22 MAY 2024 AT COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER.

Present:
Cllr Chuck Berry (Chairman), Cllr Gavin Grant, Cllr Jacqui Lay, Cllr Dr Brian Mathew, Cllr Nic Puntis, Cllr Mike Sankey, Cllr Martin Smith, Cllr Elizabeth Threlfall, Cllr Ruth Hopkinson (Substitute) and Cllr Tom Rounds (Substitute)

30 **Apologies**

Apologies were received from Cllr Steve Bucknell.

Cllr David Bowler was substituted by Cllr Ruth Hopkinson.
Cllr Howard Greenman was substituted by Cllr Tom Rounds.

31 **Minutes of the Previous Meeting**

The minutes of the last meeting of the Committee held on 16 April 2024 were considered for approval by the committee.

The committee expressed its disappointment that an earlier resolution, that required the Head of Planning to contact the Chairman to discuss the issue with regards to the Planning Appeal for Self-Build housing, did not take place.

The committee also expressed regret that Malmesbury Town Council felt the need to hold, and pass, a no confidence vote in Wiltshire Council's planning process.

Resolved

To approve the minutes of the previous meeting held on 16 April 2024 as a true and correct record.

To express disappointment at the lack of discussion between the Head of Planning and the Chairman of the Northern Area Planning Committee, that a previous resolution had required, and to urge that this discussion take place.

To express regret that Malmesbury Town Council felt the need to hold a no confidence vote in Wiltshire Council's planning process.

32 **Declarations of Interest**

There were no declarations of interest.

33 **Chairman's Announcements**

There were no Chairman's announcements.

34 **Public Participation**

The Committee noted the rules on public participation.

35 **Planning Appeals and Updates**

Councillor Chuck Berry invited Simon Smith, Development Management Team Leader, to update the Committee on the pending and determined appeals as per the appeals report included within the Agenda Pack.

Following which, it was:

Resolved:

The Committee noted the appeals report for the period 5 April 2024 to 10 May 2024.

36 **PL/2023/06533: Sheelin Lodge, Ashley, Box, SN13 8AN**

Public Participation
Ms Rebecca Drake and Mr Robert Elkins spoke in support of the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee reject planning permission, for a single-storey extension to the southwest side of the property which faces the front gardens and private driveway.

Key considerations identified included the principle of development and the green belt, with specific legal frameworks (NPPF) designed to protect such areas. It was quoted from the NPPF that:

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."

Members of the Committee then had the opportunity to ask technical questions to the officer.

It was clarified that NPPF did not exist at time of the first extension to the building and was implemented in 2012. Although previous additions had all been granted permission, it was explained that cumulative developments must be considered regardless of what legislation existed at the time.

Members of the public then had the opportunity to present their views to the committee as detailed above.

A debate followed where councillors considered the compelling nature of NPPF to reject the application based on cumulative, disproportionate additions to the building. Councillors were persuaded that the ambiguities surrounding legislation on the green belt and NPPF exceptions allowed permission to be granted. Councillors referred to the officer's report but disagreed with its conclusion given that Core Policies 57&58 were openly confirmed to have been adhered to.

Reference to the Equality Act were made given the additions of provisions for a disabled occupant within the plan.

It was noted that the local Parish Council had not objected, and the local member had actively supported the application.

During debate a motion to grant the application was moved by Cllr Dr Brian Mathew and seconded by Cllr Nic Puntis.

Resolved

In view of the very special circumstances of the proposals representing environmentally sustainable development, the family circumstances of the applicant, compliance with other policies within the adopted development plan and the lack of impact on openness, the proposed development is considered to not constitute inappropriate development in the Green Belt. Accordingly, resolved that planning permission be GRANTED, with the following standard conditions being attached:

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 development hereby permitted shall be carried out in accordance with the following approved plans and documents:**

   Location plan Dwg:00
   PR site plan Dwg:11
   PR ground floor plan Dwg:12
   PR roof plan Dwg:13
   PR n&s elevations Dwg:14
   PR e&w elevations Dwg:15
   PR garage Dwg:16
   Tree survey - garage Dwg:17

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

3. **No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until all trees to be retained on the site are protected by fencing, in accordance with British Standard 5837: 2012: "Trees in Relation to Design, Demolition and Construction - Recommendations".**

   The protective fencing shall be erected in accordance with the approved details. 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 practise.

   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 first occupation 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

   Informative:

4. **The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.**

   If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

37 **PL/2023/08516: Heleigh Cottage, Middlehill, Box, Corsham, SN13 8QB**

Public Participation
Mr Tim Gofton and Mr Richard Charles Jones spoke in support of the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee reject planning permission, for the replacement and alteration of existing extensions to the main house, internal
and external alterations and addition of an air source heat pump and photovoltaic panels to the main house, replacement and enlargement of existing
garage, together with driveway and landscape enhancement works.

Key considerations identified included the principle of development and the green belt, with regards to NPPF. It was noted that the plans removed some already existing extensions, however officers had concluded that the proposed extensions were not respectful to the original building.

Members of the Committee then had the opportunity to ask technical questions to the officer.

It was clarified that NPPF does not state how to define increases in size or what 'size' is, and no specific percentage threshold is given.

Members of the public then had the opportunity to present their views to the committee as detailed above.

A debate followed where councillors considered that the application was suitable in most areas with the exception of sitting within the green belt and therefore under NPPF legislation. Councillors did consider the design to be inappropriately modern given the materials proposed in accordance with Core Policy 12 and Core Policy 57.

During debate a motion to approve the application was moved by Cllr Dr Brian Mathew and seconded by Cllr Mike Sankey.

Following a vote, the motion was lost. Cllr Ruth Hopkinson, seconded by Cllr Tom Rounds moved a motion to uphold the planning officer's recommendation and refuse the application.

Resolved

That the planning officer's recommendation be upheld, and planning permission be refused.

38 **PL202400649: 19 The Beeches, Lydiard Millicent, Swindon, SN5 3LT**

Public Participation
Mr Nick Sturman spoke in support of the application.
Cllr Mel Allsop (*Lydiard Millicent PC)* spoke in objection to the application.

Officers from the Development Management Area Team introduced the report which recommended that the Committee approve planning permission subject to conditions, for the development of a side (eastern) and rear (southern) elevation extensions as well as raising the existing bungalow roof to accommodate space at first floor level.

Key considerations identified included the principle of development, impact on character and appearance and neighbouring amenities.

Members of the Committee then had the opportunity to ask technical questions to the officer.

It was clarified that parking arrangements would not change.

It was also clarified that obscure glazing was already conditioned in the planning officer's report and recommendation.

Members of the public then had the opportunity to present their views to the committee as detailed above.

A debate followed where councillors considered that the application was to make moderate improvements that contained a smaller increase in height compared to a previously rejected application. It was also noted that other houses in the area were much larger and arguably more inappropriate that the improvements suggested in the application.

During debate a motion to approve the application was moved by Cllr Tom Rounds and seconded by Cllr Martin Smith.

Resolved

To grant planning permission subject to the following conditions:

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

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

2. Within six months of the commencement on site, a scheme for the decommissioning and restoration of the development shall have been submitted to and approved by the Local Planning Authority, the details of which shall include

how the land will be restored back to fully agricultural use, apart from the retention of the planting as a valuable addition to the landscape, upon the development no longer being in operation or upon the expiry date of 40 years from the date of the development starting to feed electricity to the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

3. The Local Planning Authority shall be notified in writing within one month of the event that the development hereby approved has started to feed or take electricity to/from the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 40 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.

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

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

- **Drawing. 3075-01-01 Rev B Site Location Plan**
- **Drawing. 3075-01-02 Rev B Statutory Plan**
- **Drawing. 3075-01-03 Rev B General Arrangement**
- **Drawing. 3075-01-04 Battery Storage Container**
- **Drawing. 3075-01-05 Inverter-Transformer Stations**
- **Drawing. 3075-01-06 Transformer**
- **Drawing. 3075-01-07 Switchgear Container**
- **Drawing. 3075-01-08 LV Switchgear Container**
- **Drawing. 3075-01-09 Fencing and Security**
- **Drawing. 3075-01-10 Rev B Existing Site Plan**
- **Drawing. 3075-01-11 Site Access Arrangements**
- **Drawing. 3075-01-12 Landscape Design**

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

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

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

NOTE: The use of neutral earth tone colours for elevational building / container treatments (including roof materials) and security fencing is important in this rural area. The use of white finishes on containers and battery storage units or other infrastructure elements must be avoided, set against dark landscape backdrops of woodland and trees etc.

6. No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the trees to be protected and retained, as identified within ArboricutlrualImpact Assessment and the Arboricultural Method Statement (AMS) by ARBTECH and shown on the Tree Protection Plan (drawing no.3075-01-03 Rev B), including tree ref.T23 Oak, have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction. 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 and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas. 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 practise. 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. [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 occupation 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.

7. The development hereby permitted shall be carried out in full accordance with the Arboricultural Method Statement (AMS) by ARBTECH.

REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

8. The proposed soft landscaping scheme, as shown on the Landscape Design drawing (no. 3075-01-12), shall be carried out in the first planting and seeding season following the first operation of the development or the completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The details shall also include details of the proposed level and method of construction of the access road works associated with the proposed surface water drainage scheme. The development shall thereafter be carried out in accordance with the details approved under this condition.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site and consider and approve the precise scope of earthworks and levels in the interests of visual amenity.

10. The development hereby permitted shall be carried out in full accordance with the recommendations, mitigation measures, and enhancement measures detailed within the Ecological Assessment (July 2022) by avian ecology and shown on the Landscape Design drawing (no. 3075-01-12).

REASON: To mitigate against the loss of existing biodiversity and nature habitats and secure enhancements.

11. 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) prepared in accordance with Section 4 of the Ecological Assessment. Embedded in Design Planning and Access Statement – Appendix B – Ecology Assessment V4 (Avian Ecology, 25/09/2021) 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, great crested newts and reptiles.

c) Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.

d) Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).

e) Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence. Development shall be carried out in strict accordance with the approved CEMP.

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

12. Prior to the commencement of development, 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 biodiversity enhancement targets within the submitted Metric 3.0 V4 and Section 4 of the Ecological Assessment. Embedded in Design Planning and Access Statement – Appendix B – Ecology Assessment V4 (Avian Ecology, 25/09/2021).

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. The noise attenuation measures detailed in the Noise Assessment (May 2022) by Noise Vibration Consultants Ltd or any updated noise reports submitted for approval by the local planning authority prior to commencement of development shall be implemented prior to first operation of the development and thereafter be permanently retained.

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

14. A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment (May 2022) by Noise Vibration Consultants Ltd (or any updated noise reports approved by the local planning authority) and submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained.

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

15. Notwithstanding the details shown on the approved plan, no external artificial lighting shall be used or installed on site until lux contour plots/lighting contour plans for all proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The plots/plans must demonstrate that bat habitat to be retained will be maintained as 'dark corridors'. Details of mitigation measures that would be implemented where necessary, to minimise light spill shall also be provided. Lighting proposals shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light' and their Guidance Note GN08-18 'Bats and artificial lighting in the UK', issued jointly with the Bat Conservation Trust.

Lighting at the site shall be in strict accordance with the approved details and no additional external lighting shall be installed either during construction or operation unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light spill and to minimise potential for adverse effects on bats and other wildlife.

16. No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:
i. An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;

ii. A description of management responsibilities;

iii. A description of the construction programme;

iv. Site working hours and a named person for residents to contact;

v. Details of vehicle routing to the site vi. Detailed site logistics arrangements;

vii. Details regarding parking, deliveries, and storage;

viii. Details of the measures to control the emission of dust, dirt and noise during construction;

ix. Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and

x. Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.

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

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

17. No development shall commence until a pre-construction highway photographic survey to be carried out along Dog Trap Lane from its junction with the B4040 has been carried out. Upon completion of the construction phases, a post construction survey shall be carried out at the same location. Details and results of both before and after survey shall have been submitted to the Council as the Highway Authority within 3 months of the first operation of the development. Those submitted details and results shall be accompanied by a plan and timing schedule for the repair of any damage identified and attributable to the construction of the development, to be carried out at the expense of the applicant, which shall have been agreed in writing with the Local Planning Authority beforehand.

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

18. No development shall commence on site until the first 20m of the access, measured from the edge of the carriageway has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.

REASON: In the interests of highway safety

19. No development shall commence on site until the visibility splays shown on the approved plans (drawing no. 3075-01-11 Proposed Site Access Arrangements) have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.

REASON: In the interests of highway safety.

20. Notwithstanding the contents of the Flood Risk & Water Drainage Assessment (June 2022) by KRS Environmental, no development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / gravel areas), incorporating sustainable drainage details together with permeability test results to BRE365 and showing in improvement in discharge rate from the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

NOTE: The Lead Local Flood Authority advises that the following points will need to be addressed as part of final proposed surface water drainage scheme.

It is noted from the drainage strategy that the applicant proposes to discharge to an existing ordinary watercourse:

a. The drainage strategy drawing does not show the receiving watercourse / waterbody; the strategy drawings should be updated to show the connectivity between the outfall and the receiving watercourse / waterbody.

b. If required to cross third-party land, the applicant must provide evidence of permissions to cross third party land and permissions from riparian owners to discharge to the watercourse/river in perpetuity. There is no automatic right to cross third party land or discharge to a watercourse/river not in ownership of the applicant.

It is noted that the applicant proposes to discharge surface water flows to the south of the site (assisted by a pumped discharge):

a. Justification should be provided as to why a gravity system cannot be achieved.

b. As discharge to the south is against the natural topography of the site (and therefore relates in sub-catchment transfer on site), the applicant shall confirm that the receiving waterbody & ordinary watercourse have sufficient capacity to accept the (albeit restricted) surface water discharges without increasing local flood risk.

It is noted that the applicant has proposed to limit discharge rates to 1.1l/s, although it is acknowledged within the report that the Qbar rate for the site is 1.0l/s. The applicant is therefore required to update calculations to restrict discharge rates to 1l/s, or provide justification as to why this cannot be achieved.

The submitted calculations show that flows will be restricted using a Hydrobrake, however the drainage strategy indicates that flow control will be provided by a pumped discharge.

The hydraulic calculations are required to be updated in order to show the pumped discharge from the detention basin.

The applicant is required to provide the following additional calculations:

Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + 35% climate change rainfall event.

The applicant is required to submit a drawing demonstrating how overland exceedance flows in excess of the 1 in 100yr rainfall will be safely managed on site in order to prevent an increase in flood risk to adjacent people / land / property.

21. No development shall commence on site until details of the drainage arrangements during the construction phase have been submitted to and approved in writing by the Local Planning Authority.

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

22. In the event that contamination is identified or encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed be a written verification report that confirms what works that have been undertaken to render the development suitable for use.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVE
The term 'commencement of development', as used within these planning conditions, refers to any development associated with the site excluding the first 20m of access into the site.

INFORMATIVE
The applicant should note that under the terms of the Wildlife and Countryside Act

(1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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

INFORMATIVE
The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

INFORMATIVE
No gates, fences or stiles should be erected across the public right of way without prior consultation and approval from the Rights of Way team Countryside Access Officer (contact rightsofway@wiltshire.gov.uk) in order to comply with section 147 of the Highways Act 1980. Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock.

INFORMATIVE
A drainage ditch may need to be accommodated within access design proposals which runs along the east side of the Dog Trap Lane and the site. Advice should be sought from the Land Drainage Team in order to accommodate the ditch appropriately within the access plans. The new access may require a Section 278 highways agreement/permit in order to deliver the access proposals and the ditch crossing.

INFORMATIVE
Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

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

INFORMATIVE
For Protected Species
There is a risk that protected species (great crested newts / reptiles/ dormice/ bats) 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 in line with the recommendations made in the Section 4 of the Ecological Assessment. Embedded in Design Planning and Access Statement – Appendix B – Ecology Assessment V4 (Avian Ecology, 25/09/2021).and as advised the contracted ecologist. If these species are unexpectedly found during the works, the applicant is advised to stop work and follow advice from the contracted ecologist.

39 **PL/2022/05412: Land off Dog Trap Lane, Minety**

Public Participation
Mr David Mitchell and Mr Martin Pollard (*Applicant Representative)*
spoke in support of the application. Wiltshire Council's Climate Team also spoke in support.

Officers from the Development Management Area Team introduced the report which recommended that the Committee grant the application, subject to conditions, for a Battery Energy Storage System (BESS) with
a capacity of c.50MW. The batteries would be housed within containers and be supported by ancillary development, including transformers, inverters, and switch gear units. The site would also be surrounded by a security fencing, acoustic fencing, and new landscaping and biodiversity enhancements.

Key considerations identified included the scale of the development, visual impact, relationship to adjoining properties, and design.

Members of the Committee then had the opportunity to ask technical questions to the officer, of which there were none.

Members of the public then had the opportunity to present their views to the committee as detailed above.

A debate followed where councillors considered the potential presence of roman archaeological artefacts as raised by a member of the public, and whether a condition of an archaeological dig could be attached. The committee considered the application far less objectionable given it was screened by woodland, away from roads and communities.

The committee were pleased to see the submission from the climate team at Wiltshire Council.

During debate a motion to approve the application was moved by Cllr Dr Brian Mathew and seconded by Cllr Elizabeth Threlfall.

Resolved

Delegate back the planning officer to explore and consult with the Council Archaeologist following receipt of LiDAR information provided by local resident (Mr Mitchell). In the event the Council Archaeologist does not raise further objections, then to grant planning permission in accordance with recommendation along with additional condition:

23. Prior to the commencement of development, an Emergency Plan shall have been submitted to and agreed in writing by the Local Planning Authority. The Emergency Plan shall include measures to address the consequences of any thermal runaway event, and in particular fire-fighting provision, water supply resilience and runoff contamination. The agreed Emergency Plan shall be implemented for the duration of the life of the development.

REASON: In the interests of securing the development that is safe and that the impact of any fire event at the site is reduced as far as is possible.

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

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

2. **Within six months of the commencement on site, a scheme for the decommissioning and restoration of the development shall have been submitted to and approved by the Loca Planning Authority, the details of which shall include how the land will be restored back to fully**

agricultural use, apart from the retention of the planting as a valuable addition to the landscape, upon the development no longer being in operation or upon the expiry date of 40 years from the date of the development starting to feed electricity to the Grid, whichever is sooner. The Decommissioning and Restoration scheme of this development shall be carried out in accordance with the scheme so agreed.

REASON: To ensure upon the development no longer being in use, the complete removal of all development allowed under this permission and the restoration of the land to its former condition.

3. **The Local Planning Authority shall be notified in writing within one month of the event that the development hereby approved has started to feed or take electricity to/from the Grid. The installation hereby approved shall be permanently removed from the site and the surface reinstated within 40 years and six months of the date of notification and the local planning authority shall be notified in writing of that removal within one month of the event.**

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

4. **The development hereby permitted shall be carried out in accordance with the details shown in the following approved plans:**

   Drawing. 3075-01-01 Rev B Site Location Plan Drawing. 3075-01-02 Rev B Statutory Plan Drawing. 3075-01-03 Rev B General Arrangement Drawing. 3075-01-04 Battery Storage Container Drawing. 3075-01-05 Inverter-Transformer Stations Drawing. 3075-01-06 Transformer Drawing. 3075-01-07

Switchgear Container
Drawing. 3075-01-08 LV Switchgear Container
Drawing. 3075-01-09 Fencing and Security Drawing.
3075-01-10 Rev B Existing Site Plan
Drawing. 3075-01-11 Site Access Arrangements
Drawing. 3075-01-12 Landscape Design

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

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

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

   NOTE: The use of neutral earth tone colours for elevational building / container treatments (including roof materials) and security fencing is important in this rural area. The use of white finishes on containers and battery storage units or other infrastructure elements must be avoided, set against dark landscape backdrops of woodland and trees etc.

6. **No demolition, site clearance or development shall commence on site, and; no equipment, machinery or materials shall be brought on to site for the purpose of development, until the trees to be protected and retained, as identified within Arboricutlrual Impact Assessment and the Arboricultural Method Statement (AMS) by ARBTECH and shown on the Tree Protection Plan (drawing no.3075-01-03 Rev B), including tree ref.T23 Oak, have been enclosed by protective fencing, in accordance with British Standard 5837 (2005): Trees in Relation to Construction.**

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 and no vehicle, plant, temporary building or materials, including raising and or, lowering of ground levels, shall be allowed within the protected areas.

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 practise.

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.

[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 occupation 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.

7. **The development hereby permitted shall be carried out in full accordance with the Arboricultural Method Statement (AMS) by ARBTECH.**

   REASON: In order that the Local Planning Authority may be satisfied that the trees to be retained on and adjacent to the site will not be damaged during the construction works and to ensure that as far as possible the work is carried out in accordance with current best practice and section 197 of the Town & Country Planning Act 1990.

8. **The proposed soft landscaping scheme, as shown on the Landscape Design drawing (no. 3075-01-12), shall be carried out in the first planting and seeding season following the first operation of the development or the**

completion of the development whichever is the sooner, or in accordance with a schedule and timetable to be agreed in writing by the Local Planning Authority. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

9. **No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature and source of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. The details shall also include details of the proposed level and method of construction of the access road works associated with the proposed surface water drainage scheme. The development shall thereafter be carried out in accordance with the details approved under this condition.**

   REASON: To enable the Local Planning Authority to ensure the retention of trees on the site and consider and approve the precise scope of earthworks and levels in the interests of visual amenity.

10. **The development hereby permitted shall be carried out in full accordance with the recommendations, mitigation measures, and enhancement measures detailed within the Ecological Assessment (July 2022) by avian ecology and shown on the Landscape Design drawing (no. 3075-01-12).**

    REASON: To mitigate against the loss of existing biodiversity and nature habitats and secure enhancements.

11. **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)**

prepared in accordance with Section 4 of the Ecological Assessment. Embedded in Design Planning and Access Statement – Appendix B

- **Ecology Assessment V4 (Avian Ecology, 25/09/2021) 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, great crested newts and reptiles.**
    c) **Work schedules for activities with specific timing requirements in order to avoid/reduce potential harm to ecological receptors; including details of when a licensed ecologist and/or ecological clerk of works (ECoW) shall be present on site.**
    d) **Key personnel, responsibilities and contact details (including Site Manager and ecologist/ECoW).**
    e) **Timeframe for provision of compliance report to the local planning authority; to be completed by the ecologist/ECoW and to include photographic evidence.**

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

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

12. **Prior to the commencement of development, 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 biodiversity enhancement**

targets within the submitted Metric 3.0 V4 and Section 4 of the Ecological Assessment. Embedded in Design Planning and Access Statement – Appendix B – Ecology Assessment V4 (Avian Ecology, 25/09/2021).

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. **The noise attenuation measures detailed in the Noise Assessment (May 2022) by Noise Vibration Consultants Ltd or any updated noise reports submitted for approval by the local planning authority prior to commencement of development shall be implemented prior to first operation of the development and thereafter be permanently retained.**

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

14. **A post installation noise assessment shall be carried out within 3 months of completion of the development to confirm compliance with the submitted Noise Assessment (May 2022) by Noise Vibration Consultants Ltd (or any updated noise reports approved by the local planning authority) and submitted to the Local Planning Authority for approval in writing. Any additional steps required to achieve compliance shall thereafter be taken in accordance with a timetable to be agreed with the Local Planning Authority. The details as submitted and approved shall be implemented and thereafter be permanently retained.**

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

15. **Notwithstanding the details shown on the approved plan, no external artificial lighting shall be used or installed on site until lux contour plots/lighting contour plans for all proposed lighting have been submitted to and approved in writing by the Local Planning Authority. The plots/plans must demonstrate that bat habitat to be retained will be maintained as 'dark corridors'. Details of**

mitigation measures that would be implemented where necessary, to minimise light spill shall also be provided. Lighting proposals shall be in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their Guidance Note GN01/21 'The Reduction of Obtrusive Light' and their Guidance Note GN08-18 'Bats and artificial lighting in the UK', issued jointly with the Bat Conservation Trust.

Lighting at the site shall be in strict accordance with the approved details and no additional external lighting shall be installed either during construction or operation unless otherwise agreed in writing by the Local Planning Authority.

REASON: To minimise light spill and to minimise potential for adverse effects on bats and other wildlife.

16. **No development shall commence until a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures:**
    i. **An introduction consisting of construction phase environmental management plan, definitions and abbreviations and project description and location;**
    ii. **A description of management responsibilities;**
    iii. **A description of the construction programme;**
    iv. **Site working hours and a named person for residents to contact;**
    v. **Details of vehicle routing to the site**
    vi. **Detailed site logistics arrangements;**
    vii. **Details regarding parking, deliveries, and storage;**
    viii. **Details of the measures to control the emission of dust, dirt and noise during construction;**
    ix. **Details of the hours of works and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network; and**
    x. **Communication procedures with the LPA and local community regarding key construction issues – newsletters, fliers etc.**

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

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

17. **No development shall commence until a pre-construction highway photographic survey to be carried out along Dog Trap Lane from its junction with the B4040 has been carried out. Upon completion of the construction phases, a post construction survey shall be carried out at the same location. Details and results of both before and after survey shall have been submitted to the Council as the Highway Authority within 3 months of the first operation of the development. Those submitted details and results shall be accompanied by a plan and timing schedule for the repair of any damage identified and attributable to the construction of the development, to be carried out at the expense of the applicant, which shall have been agreed in writing with the Local Planning Authority beforehand.**

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

18. **No development shall commence on site until the first 20m of the access, measured from the edge of the carriageway has been consolidated and surfaced (not loose stone or gravel). The access shall be maintained as such thereafter.**

    REASON: In the interests of highway safety

19. **No development shall commence on site until the visibility splays shown on the approved plans (drawing no. 3075-01-11 Proposed Site Access Arrangements) have been provided with no obstruction to visibility at or above a height of 900mm above the nearside carriageway level. The visibility splays shall always be maintained free of obstruction thereafter.**

    REASON: In the interests of highway safety.

20. **Notwithstanding the contents of the Flood Risk & Water Drainage Assessment (June 2022) by KRS Environmental, no development shall commence on site until a scheme for the discharge of surface water from the site (including surface water from the access / gravel areas), incorporating sustainable drainage details together with permeability test results to BRE365 and**

showing in improvement in discharge rate from the site, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.

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

NOTE: The Lead Local Flood Authority advises that the following points will need to be addressed as part of final proposed surface water drainage scheme:

It is noted from the drainage strategy that the applicant proposes to discharge to an existing ordinary watercourse.

a. **The drainage strategy drawing does not show the receiving watercourse / waterbody; the strategy drawings should be updated to show the connectivity between the outfall and the receiving watercourse / waterbody.**
b. **If required to cross third-party land, the applicant must provide evidence of permissions to cross third party land and permissions from riparian owners to discharge to the watercourse/river in perpetuity. There is no automatic right to cross third party land or discharge to a watercourse/river not in ownership of the applicant.**

It is noted that the applicant proposes to discharge surface water flows to the south of the site (assisted by a pumped discharge):

a. **Justification should be provided as to why a gravity system cannot be achieved.**
b. **As discharge to the south is against the natural topography of the site (and therefore relates in sub-catchment transfer on site), the applicant shall confirm that the receiving waterbody & ordinary watercourse have sufficient capacity to accept the (albeit restricted) surface water discharges without increasing local flood risk.**

It is noted that the applicant has proposed to limit discharge rates to 1.1l/s, although it is acknowledged within the report that the Qbar rate for the site is 1.0l/s . The applicant is therefore required to update

calculations to restrict discharge rates to 1l/s, or provide justification as to why this cannot be achieved.

The submitted calculations show that flows will be restricted using a Hydrobrake, however the drainage strategy indicates that flow control will be provided by a pumped discharge. The hydraulic calculations are required to be updated in order to show the pumped discharge from the detention basin.

The applicant is required to provide the following additional calculations:

- **Calculations and drawings for the drainage system design showing conveyance routes are designed to convey without flooding the critical 1 in 30 year + 35% climate change rainfall event.**

The applicant is required to submit a drawing demonstrating how overland exceedance flows in excess of the 1 in 100yr rainfall will be safely managed on site in order to prevent an increase in flood risk to adjacent people / land / property.

21. **No development shall commence on site until details of the drainage arrangements during the construction phase have been submitted to and approved in writing by the Local Planning Authority.**

    REASON: To comply with Core Policy 67: Flood Risk of the Wiltshire Core Strategy (adopted January 2015) and to ensure that the development can be adequately drained withou increasing flood risk to others and to manage the risk of pollution during the construction phase.

22. **In the event that contamination is identified or encountered at any time when carrying out the approved development, the Local Planning Authority must be advised of the steps that will be taken by an appropriate contractor; to deal with contamination and provide a written remedial statement to be followed be a written verification report that confirms what works that have been undertaken to render the development suitable for use.**

    REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other offsite receptors.

INFORMATIVE
The term 'commencement of development', as used within these planning conditions, refers to any development associated with the site excluding the first 20m of access into the site.

INFORMATIVE
The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

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

INFORMATIVE
The application involves an extension to the existing/creation of a new vehicle access/dropped kerb. The consent hereby granted shall not be construed as authority to carry out works on the highway. The applicant is advised that a licence will be required from Wiltshire's Highway

Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. Please contact our Vehicle Crossing Team on vehicleaccess@wiltshire.gov.uk and/or 01225 713352 or visit their website at http://wiltshire.gov.uk/highways-streets to make an application.

INFORMATIVE

No gates, fences or stiles should be erected across the public right of way without prior consultation and approval from the Rights of Way team Countryside Access Officer (contact rightsofway@wiltshire.gov.uk) in order to comply with section 147 of the Highways Act 1980. Unauthorised structures across a right of way are an obstruction and gates may only be authorised for the control of stock.

INFORMATIVE
A drainage ditch may need to be accommodated within access design proposals which runs along the east side of the Dog Trap Lane and the site. Advice should be sought from the Land Drainage Team in order to accommodate the ditch appropriately within the access plans. The new access may require a Section 278 highways agreement/permit in order to deliver the access proposals and the ditch crossing.

INFORMATIVE
Wiltshire Council is the land drainage authority under the Land Drainage Act 1991. Land drainage consent is required if a development proposes to discharge flow into an ordinary watercourse or carry out work within 8m of an ordinary watercourse.

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

INFORMATIVE

For Protected Species
There is a risk that protected species (great crested newts / reptiles/ dormice/ bats) 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 in line with the recommendations made in the Section 4 of the Ecological Assessment. Embedded in Design Planning and Access Statement – Appendix B – Ecology Assessment V4 (Avian Ecology, 25/09/2021).and as advised the contracted ecologist. If these species are unexpectedly found during the works, the applicant is advised to stop work and follow advice from the contracted ecologist.

40 **Urgent Items**

There were no urgent items.

(Duration of meeting: 14.00 – 17.45pm)

The Officer who has produced these minutes is Max Hirst of Democratic Services, e-mail committee@wiltshire.gov.uk

Press enquiries to Communications, direct line 01225 713114 or email communications@wiltshire.gov.uk